

APHC010281212026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3548]

THURSDAY, THE TWENTY FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 14500/2026

Between:

1. PINDI VEERA VENKATA GOPALA KRISHNA, S/O. NAGARAJU, AGED ABOUT 45 YEARS PRESENTLY WORKING AS TAHSILDAR, PITAPURAM MANDAL, KAKINADA DISTRICT, FORMERLY EAST GODAVARI DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF AP, REPRESENTED BY SPECIAL CHIEF SECRETARY, REVENUE (VIG.III) DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT- 522238.

2. THE CHIEF COMMISSIONER OF LAND ADMINISTRATION SPECIAL CHIEF SECRETARY TO GOVERNMENT, APIIC BUILDINGS, MANGALAGIRI, GUNTUR DISTRICT-522503

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order, or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent authorities in not considering the case of petitioner for promotion to the category of Deputy Collector for the panel year of 2025-2026 as per the seniority cum eligibility on the alleged ground that pending disciplinary proceedings vide CCLAs Proc.No.REV02-28022/22/2018, (C.No.457329) dated 06.05.2026 is illegal, arbitrary, discriminatory and violation of Article 14,

16, 19 and 21 of Constitution of India and consequently direct the respondent authorities to consider the case of the petitioner for promotion to the category of Deputy Collector by considering the case of the petitioner without reference to Charge Memo vide CCLAs Procg.No.REV02- 28022/22/2018, (C.No.457329) dated 06.05.2026, and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent authorities to consider the case of the petitioner for promotion to the category of Deputy Collector by considering the case of the petitioner without reference to Charge Memo vide CCLA's Procg.No.REV02-28022/22/2018, (C.No.457329) dated 06.05.2026, pending against the petitioner and to pass

Counsel for the Petitioner:

1.K SATYANARAYANA MURTHY

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

ORDER:

The instant Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following relief:

*“....may be pleased to issue a order writ or direction more particularly in the nature of **Writ of Mandamus** Under Article 226 of the Constitution of India declaring the action of the respondent authorities in not considering the case of petitioner for promotion to the category of Deputy Collector for the panel year of 2025-2026 as per the seniority cum eligibility on the alleged ground that pending disciplinary proceedings vide CCLA's Procg.No. REV02-28022/22/2018, (C.No.457329) dated 06.05.2026, is illegal arbitrary, discriminatory and violation of Article 14 16 19 and 21 of Constitution of India and consequently direct the respondent authorities to consider the case of the petitioner for promotion to the category of Deputy Collector by considering the case of the petitioner without reference to Charge Memo vide CCLA's Procg. No. REV02-28022/22/2018, (C.No.457329) dated 06.05.2026 and pass....”*

2. Heard Sri K Satyanarayana Murthy, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for the respondents.

3. The contention of the petitioner is that the petitioner was appointed as Deputy Tahsildar under Group-II category in the year 2008 and subsequently he was promoted as Tahsildar in the year 2013 and accordingly he is discharging his duties.

4. Learned counsel for the petitioner submits that, at the time of consideration of promotions to the post of Deputy Collector for the adhoc panel year 2025–2026, for filling up 29 vacancies from the feeder category of

Tahsildar, disciplinary proceedings were initiated against the petitioner on account of certain alleged irregularities in the discharge of his duties and the matter was placed before the Departmental Promotion Committee (DPC). Subsequently, the disciplinary authorities conducted an enquiry and submitted their report.

5. He further submits that, inasmuch as the sanction granted against the petitioner has already been stayed by this Court in W.P.No.22149 of 2025, there exists no impediment for consideration of the petitioner's case, and therefore, he is entitled to inclusion of his name in the panel for the year 2025–2026 for promotion to the post of Deputy Collector.

6. Learned Assistant Government Pleader for Revenue, on written instructions dated 21.05.2026, submitted that, in view of the disciplinary case initiated against the petitioner vide CCLA's Procs.No.REV02-28022/22/2018 (C.No.457329), dated 06.05.2026, based on the report of Vigilance & Enforcement, the candidature of the petitioner was considered by the Departmental Promotion Committee (DPC) convened on 15.05.2026 for preparation of the adhoc panel of Deputy Collectors for the panel year 2025–2026. The same was examined in terms of G.O.Ms.No.424, G.A. (Ser.C) Department, dated 25.05.1976, G.O.Ms.No.257, G.A. (Ser.C) Department, dated 10.06.1999, and G.O.Ms.No.66, G.A. (Ser.C) Department, dated 30.01.1991, and thereafter, the minutes of the Departmental Promotion Committee were furnished to the Government. Therefore, the grievance of the

petitioner that his candidature was not considered for promotion to the category of Deputy Collector for the panel year 2025–2026 is not correct.

7. The grievance of the petitioner is that the charge memo dated 06.05.2026 (received on 13.05.2026) was issued with an intention to cause wrongful service loss. The Departmental Promotion Committee was convened on 04.05.2026, which amplifies the volatile intention of the respondents. Further, it is argued by the learned counsel for the petitioner that the incident is of the year 2016 and now the charges are initiated against the petitioner, belatedly, to deny the promotion. Several juniors to the petitioner were promoted, and piercingly, the action is contrary to the law of the land, as held by the Hon'ble Supreme Court in ***P.V.Mahadevan vs. MD, T.N. Housing Board***¹.

8. Considering the facts of the case on hand, the law is precise and well established that the initiation of the enquiry with abnormal and unexplained delay, the Hon'ble Supreme Court in ***P.V.Mahadevan***'s case (supra 1), while considering the observations made in ***A.P. vs. N.Radhakishan [1998 (4) SCC 154]***, held at paragraph 5 as follows:

"5.In the second case [1998] 4 SCC 154, the respondent was appointed as Assistant Director of Town Planning in the year 1976. A report dated 7.11.1987 was sent by the Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad to the Secretary to the Government, Housing, Municipal Administration & Urban Development Department, Andhra Pradesh, Hyderabad, about the irregularities in deviations and unauthorized constructions in multi storied complexes in the twin cities of Hyderabad and Secunderabad in collusion with municipal authorities. On the basis of the report, the State issued two memos both dated 12.12.1987 in respect of three officials including the respondent-Radhakishan, the then Assistant City

¹ (2005) 6 SCC 636

Planner. In this case, till 31.07.1995 the article of charges had not been served on the respondent. The Tribunal, however, held that the memo dated 31.7.1995 related to incidents that happened ten years or more prior to the date of the memo and that there was absolutely no explanation by the Government for this inordinate delay in framing the charges and conducting the enquiry against the respondent and that there was no justification on the part of the State now conducting the enquiry against the respondent in respect of the incidents at this late stage. This Court, in para 19, has observed as follows:

"It is not possible to lay down any predetermined principles applicable to all cases and in all situations where there is delay in concluding the disciplinary proceedings. Whether on that ground the disciplinary proceedings are to be terminated each case has to be examined on the facts and circumstances in that case. The essence of the matter is that the court has to take into consideration all the relevant factors and to balance and weigh them to determine if it is in the interest of clean and honest administration that the disciplinary proceedings should be allowed to terminate after delay particularly when the delay is abnormal and there is no explanation for the delay. The delinquent employee has a right that disciplinary proceedings against him are concluded expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings. In considering whether the delay has vitiated the disciplinary proceedings the court has to consider the nature of charge, its complexity and on what account the delay has occurred. If the delay is unexplained prejudice to the delinquent employee is writ large on the face of it. It could also be seen as to how much the disciplinary authority is serious in pursuing the charges against its employee. It is the basic principle of administrative justice that an officer entrusted with a particular job has to perform his duties honestly, efficiently and in accordance with the rules. If he deviates from this path he is to suffer a penalty prescribed. Normally, disciplinary proceedings should be allowed to take their course as per relevant rules but then delay defeats justice. Delay causes prejudice to the charged officer unless it can be shown that he is to blame for the delay or when there is proper explanation for the delay in conducting the disciplinary proceedings. Ultimately, the court is to balance these two diverse considerations."

9. Uniendo, the Hon'ble Supreme Court, in a recent judgment in **Government of West Bengal and others vs. Dr.Amal Satpathi and others**², observed at paragraph 19 as follows:

"19. It is a well settled principle that promotion becomes effective from the date it is granted, rather than from the date a vacancy arises or the post is created. While the Courts have recognized the right to be considered for promotion as not only a statutory right but also a fundamental right, there is no fundamental right to the promotion itself. In this regard, we may gainfully refer to a recent decision of this Court in the case of Bihar State Electricity Board and Others v. Dharamdeo Das, wherein it was observed as follows:

² 2024 SCC OnLine SC 3512

“18. It is no longer res integra that a promotion is effective from the date it is granted and not from the date when a vacancy occurs on the subject post or when the post itself is created. No doubt, a right to be considered for promotion has been treated by courts not just as a statutory right but as a fundamental right, at the same time, there is no fundamental right to promotion itself. In this context, we may profitably cite a recent decision in Ajay Kumar Shukla v. Arvind Rai where, citing earlier precedents in Director, Lift Irrigation Corporation Ltd. v. Pravat Kiran Mohanty and Ajit Singh v. State of Punjab, a three-Judge Bench observed thus:

41. This Court, time and again, has laid emphasis on right to be considered for promotion to be a fundamental right, as was held by K. Ramaswamy, J., in Director, Lift Irrigation Corpn. Ltd. v. Pravat Kiran Mohanty in para 4 of the report which is reproduced below:

‘4..... There is no fundamental right to promotion, but an employee has only right to be considered for promotion, when it arises, in accordance with relevant rules. From this perspective in our view the conclusion of the High Court that the gradation list prepared by the corporation is in violation of the right of respondent-writ petitioner to equality enshrined under Article 14 read with Article 16 of the Constitution, and the respondent-writ petitioner was unjustly denied of the same is obviously unjustified.’

42. A Constitution Bench in Ajit Singh v. State of Punjab, laying emphasis on Article 14 and Article 16(1) of the Constitution of India held that if a person who satisfies the eligibility and the criteria for promotion but still is not considered for promotion, then there will be clear violation of his/her’s fundamental right. Jagannadha Rao, J. speaking for himself and Anand, C.J., Venkataswami, Pattanaik, Kurdukar, JJ., observed the same as follows in paras 22 and 27: 9 2024 SCC OnLine SC 1768 10 (2022) 12 SCC 579 11 (1991) 2 SCC 295 12 (1999) 7 SCC 209 ‘Articles 14 and 16(1) : is right to be considered for promotion a fundamental right

22. Article 14 and Article 16(1) are closely connected. They deal with individual rights of the person. Article 14 demands that the ‘State shall not deny to any person equality before the law or the equal protection of the laws’. Article 16(1) issues a positive command that:

‘there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State’.

It has been held repeatedly by this Court that clause (1) of Article 16 is a facet of Article 14 and that it takes its roots from Article 14. The said clause particularises the generality in Article 14 and identifies, in a constitutional sense “equality of opportunity” in matters of employment and appointment to any office under the State. The word “employment” being wider,

there is no dispute that it takes within its fold, the aspect of promotions to posts above the stage of initial level of recruitment. Article 16 (1) provides to every employee otherwise eligible for promotion or who comes within the zone of consideration, a fundamental right to be "considered" for promotion. Equal opportunity here means the right to be "considered" for promotion. If a person satisfies the eligibility and zone criteria but is not considered for promotion, then there will be a clear infraction of his fundamental right to be "considered" for promotion, which is his personal right. "Promotion" based on equal opportunity and seniority attached to such promotion are facets of fundamental right under Article 16(1).

* * *

27. In our opinion, the above view expressed in *Ashok Kumar Gupta* [*Ashok Kumar Gupta v. State of U.P.* 13, and followed in *Jagdish Lal* [*Jagdish Lal v. State of Haryana* 14, and other cases, if it is intended to lay down that the right 13 (1997) 5 SCC 201 14 (1997) 6 SCC 538 guaranteed to employees for being "considered" for promotion according to relevant rules of recruitment by promotion (i.e. whether on the basis of seniority or merit) is only a statutory right and not a fundamental right, we cannot accept the proposition. We have already stated earlier that the right to equal opportunity in the matter of promotion in the sense of a right to be "considered" for promotion is indeed a fundamental right guaranteed under Article 16(1) and this has never been doubted in any other case before *Ashok Kumar Gupta* [*Ashok Kumar Gupta v. State of U.P.*], right from 1950.'

"20. In *State of Bihar v. Akhouri Sachindra Nath*, it was held that retrospective seniority cannot be given to an employee from a date when he was not even borne in the cadre, nor can seniority be given with retrospective effect as that might adversely affect others. The same view was reiterated in *Keshav Chandra Joshi v. Union of India* 16, where it was held that when a quota is provided for, then the seniority of the employee would be reckoned from the date when the vacancy arises in the quota and not from any anterior date of promotion or subsequent date of confirmation. The said view was restated in *Uttaranchal Forest Rangers' Assn. (Direct Recruit) v. State of U.P.*, in the following words:

'37. We are also of the view that no retrospective promotion or seniority can be granted from a date when an employee has not even been borne in the cadre so as to adversely affect the direct recruits appointed validly in the meantime, as decided by this Court in *Keshav Chandra Joshi v. Union of India* held that when promotion is outside the quota, seniority would be reckoned from the date of the vacancy within the quota rendering the previous service fortuitous. The previous promotion would be regular only from the date of the vacancy within the quota and seniority shall be counted from that date and not from the date of his earlier promotion or subsequent

confirmation. In order to do justice to the promotes, it would not be proper to do injustice to the direct recruits.....

38. This Court has consistently held that no retrospective promotion can be granted nor can any seniority be given on retrospective basis from a date when an employee has not even been borne in the cadre particularly when this would adversely affect the direct recruits who have been appointed validity in the meantime.”

(emphasis supplied)

10. Having regard to the facts and established legal conspectus, this Writ Petition is disposed of, directing the respondent authorities to consider the case of the petitioner, for promotion for the panel year 2025–2026, in terms of G.O.Ms.No.257 dated 10.06.1999, duly taking into consideration his seniority and fulfillment of the other requirements. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

TUHIN KUMAR GEDELA, J

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

(DISPOSED OF)

WRIT PETITION NO: 14500 of 2026

Date : 21.05.2026

RPD/LSP.