



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

[3460]

FRIDAY, THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 26892/2024

Between:

1.Y RAMA REDDY, S/O Y.CHENNA REDDY, AGED 56
YEARS, PERSONNEL OFFICER, APGENCO, SRISAILAM
RIGHT BANK SRISAILAM, KURNOOL (NANDYAL)
DISTRICT.

...PETITIONER

AND

1.THE AP GENCO, REP BY ITS MANAGING DIRECTOR,
VIDYUT SOUDHA, GUNADALA VIJAYAWADA.

2.THE JOINT SECRETARY, APGENCO, GUNADALA,
VIJAYAWADA.

3.THE CHIEF GENERAL MANAGER, A.P.GENCO REP BY
ITS MANAGING DIRECTOR, VIDYUT SOUDHA,
GUNADALA VIJAYAWADA.

4.D SUBBAIAH, S/O NOT KNOWN TO THE PETITIONER.
PERSONNEL OFFICER, RTPP. KALAMALLA, YSR
KADAPA DISTRICT.

...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 pass orders particularly one in the nature of mandamus declaring the orders of the 2nd respondent in Memo No. JS(Per)/DS/(Estt)/AS (Reg) PO-Panels NT/ 49/2014, dt. 16.5.2018 of the 1st respondent as vitiated and consequential orders Memo No. CGM (Admn, IS and ERP) DS (E) AS (PNT and Reg)/49/2014 dt. 7.1.2022 of the 3rd respondent are liable set aside and the petitioner is entitled for counting of his service and seniority from the date of promotion of the 4th respondent in the cadre of Personnel Officer for further promotion and consequently direct the respondents to consider his case for promotion to the post of Asst Secretary taking his service from the date of promotion of 4th respondent who is his immediate junior and grant

IA NO: 1 OF 2024

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 suspend the orders of the 3rd respondents in Memo No. CGM (Admn, IS and ERP) DS (E) AS (PNT and Reg)/49/2014 dt. 7.1.2022 pending disposal of the above writ petition and pass

IA NO: 2 OF 2024

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 respondents to keep the post of Asst Secretary due to arise on promotion of the incumbent Asst Secretary in the place of Dy. Secretary who is retiring on 1.12.2024 pending disposal of the above writ petition and grant

IA NO: 1 OF 2025

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 respondents to consider the case of the petitioner for the post of Asst Secretary due to arise on promotion of the incumbent Asst Secretary in the place of Dy. Secretary pending disposal of the above writ petition and grant such other relief as may be deemed just and necessary in the interests of justice and pass

IA NO: 2 OF 2025

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 receive the counter copies on record by allowing the leave petition in the above Writ Petition and pass

Counsel for the Petitioner:

1. KASA JAGANMOHAN REDDY

Counsel for the Respondent(S):

1. NAGARAJU NAGURU
2. M RAVINDRA
3. K. KRISHNABUSHAN CHOWDARY SC For APGENCO

The Court made the following:

HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.No.26892 of 2024****O R D E R:**

This writ petition is filed declaring the Memo No.JS(Per)/DS/(Estt)/AS (Reg) PO-Panels NT/49/2014, dated 16.05.2018 issued by 1st Respondent as vitiated by consequential Memo dated 07.01.2022 issued by the 3rd Respondent as arbitrary and illegal.

2. The facts leading to filing of the writ petition are as under:

Petitioner joined the Respondent-Corporation in the year 1996 and was promoted as Junior Personnel Officer (JPO) in the year 2010. The Petitioner was posted in Canteen attached to RTPP, Yerraguntla and has been discharging his duties regularly. While so, a charge memo was issued on 09.01.2015 to the Petitioner along with two others, wherein certain allegations were raised against the Petitioner with regard to discrepancies in the stock register, cash register, milk register, cash collection daily registers and allegations akin thereto.

3. The statement of imputation was issued and the total loss was assessed at Rs.1,03,883.76/-. Five (5) witnesses were cited to sustain the charge against the Petitioner and four (4) documents were cited to substantiate the allegation against the Petitioner. In the enquiry, the charges against the Petitioner were proved and a punishment of stoppage of two increments with cumulative effect besides recovery of Rs.51,942/- out of total of Rs.1,03,883/- was levied vide order dated 16.05.2018. The appeal filed thereon was rejected on 21.12.2018. Questioning the same, Petitioner filed W.P.No.3598 of 2019 and the same was dismissed as withdrawn on 17.01.2022.

4. The Petitioner filed a mercy petition on 05.01.2022 and Respondent No.1 by order dated 07.01.2022 reconsidered the plea of the Petitioner and modified the punishment to stoppage with cumulative effect besides recovery of Rs.51,942/- out of total of Rs.1,03,883/-. Hence, the present writ petition is filed.

5. The grievance of the Petitioner is that two other persons were also prosecuted with the same charges along with the Petitioner and different punishments were imposed and that

enquiry report was not furnished to the Petitioner before passing the impugned order.

6. Learned counsel for the Petitioner submits that there is no correlation between the statement of imputation and the Article of charges framed, therefore, the enquiry in totality has to fail.

7. In the counter affidavit filed, it is pleaded that the enquiry against the Petitioner is in accordance with the procedure contemplated under the Regulations, and the charge was based on evidence available on record, and in the absence of any procedural flaw in conducting the enquiry and in the findings, the impugned proceedings need not be interfered with. It is also stated that the Petitioner had earlier filed W.P.No.3598 of 2019 and a memo dated 05.01.2022 was also filed, which clearly shows the purpose of withdrawal of the said writ petition. It is also stated that the Petitioner had filed a mercy petition to reconsider the punishment considering the personal problems and accordingly, the impugned order dated 07.01.2022 was passed reducing the punishment and hence, no interference is called for.

8. Heard Sri Kasa Jagan Mohan Reddy, learned counsel for the Petitioner and Sri Naga Raju Naguru, learned counsel for the Respondents.

9. **Reasoning:** The Article of charge framed against the Petitioner reads as under:

Article:

It is observed from the records of Power House Canteen RTPP, that during the tenure of Sri.Y.Rama Reddy, JPO he has not maintained the office records properly, discrepancy was found in Stock Register, Cash Register, Milk Register, Cash collection Daily Registers, all records were tampered, the bills were replaced and few pages were teared from the related books from the month of November 2011 onwards. Even though several oral instructions and personnel counseling has been made from time to time, he did not turn up, he has not changed, neither his attitude nor improved in his allocation of work, he is habituated in committing the financial slack of the canteen, he made mistakes again and again in the purchase of provisions. maintaining of Stock Register and the Bill Register for the provisions of Tur Dall 10kgs, EggsNos. 120 Nos and Sugar 30kg on 08.07.2013 and 11.09.2013 the respective dates and 6Nos folios of cash receipt book were missing in his period after that on verification 4Nos folios are only traced out the balance of 2Nos.folios were not traced out till to date.

Being a employee of APGENCO, indulging in Theft, fraud or dishonestly in connection with the Board's property or

business constitutes misconduct as per Regulation 6(V) of APSEB Employees Revised Conduct Discipline and Appeal Regulations as adopted by APGENCO.

10. A reading of the above charge states that the Petitioner was charged with shortcomings in the stock, cash, milk and cash collection registers and that few pages were torn in the related books from November, 2011. However, the statement of imputation does not mention the aspects on which the Article of charge is framed. The statement of imputation states that the milk register was not noted properly from 04/2010 to 05/2012. The number of corrections was made in the column for purchasing of dairy milk, and there are untraceable corrections from 01/2011. An amount of Rs.2,657/- loss to A.P.GENCO due to damage of milk in huge quantity. The actual quantity of tea prepared and actual remittance of wastage of tea in each day; the number of tea sold per litre of milk; increase in wastage of tea by year to year. As per butter milk register, 3509 packets were purchased in the month of April, 2013, but sold 3505. But, as per sale of tokens, amount was collected for Rs.3,454/- number only. There is no mention in the statement of imputation regarding stock register and bill register with regard to the provisions of Thoor

daal, eggs and sugar as mentioned in the statement of Articles of charge.

11. The Charge with reference to the milk register was that the records were tampered, but in the statement of imputation, it is stated that the milk register was not noted properly from 04/2010 to 05/2012 and other dates in the milk register. However, the Article of charge does not mention any allegation about corrections by the Petitioner. There is no allegation regarding the quantity of tea prepared and actual measures of wastage of tea in the Article of charge, but the same is found in the statement of imputation. There is no mention in the statement of imputation regarding the dates or persons who have given oral instructions/counselling to the petitioner though this aspect was specifically in the articles of charge. Similarly, the allegations regarding financial slack and repeated mistakes in the article of charge is not supported by instances in the statement of imputation.

12. A reading of the Article of charge shows that the same is general in nature making sweeping allegations against the Petitioner. The fundamental requirement to hold a disciplinary

enquiry in compliance of principles of natural justice and procedural fairness is a distinct article of charge with reference to each of the alleged misconduct and a statement of imputation explaining each of the Articles of charge. This would enable the delinquent, enquiry officer, disciplinary authority and other stakeholders to independently assess the charge, evidence and the defence thereto and any deviation is not in the interest of any of the stakeholders.

13. Rule 20(3)(ii) of the A.P.C.S(CCA) Rules,1991 also obligates the Disciplinary authority to draft a statement of imputation in support of each distinct Article of charge. The Rule 20(3) reads as under;

“Rule 20 (3): *Where it is proposed to hold an inquiry against a Government servant under this rule and rule 21, the disciplinary authority or the cadre controlling authority who is not designated as disciplinary authority and who is subordinate to the appointing authority can draw up or cause to be drawn up.*

(i) *The substance of the imputations of misconduct or misbehavior into definite and distinct articles of charge.*

(ii) *A statement of the imputations of misconduct or misbehavior in support of each article of charge, which shall contain.*

(a) A statement of all relevant facts including any; admission or confession made by the Government servant.

(b) Copies of documents by which and copies of statements of witnesses by whom, the articles of charge are proposed to be sustained.”

14. In the absence of a distinct statement of imputation explaining the Article of charge, the same can only be termed to be vague. The issue of vague charges can be raised at any stage and even after imposition of punishment, as in this case, as it goes to the root of the issue and in fundamental violation of statutory rule as well as principles of natural justice. A similar view was taken by the Hon'ble Supreme Court in ***Maharana Pratap Singh v. State of Bihar***¹ and paragraph 35 thereof is extracted below;

*“35. If there is a flaw from the inception of the disciplinary proceedings, i.e., the charge-sheet is not issued conforming to the relevant rules and the charged officer finds it difficult to meet the charges because it is vague, indefinite, not specific and lacking in material particulars, the charge- sheet itself becomes susceptible to vulnerability. We are reminded of the decision of this Court in **Surath***

¹ 2025 INSC 554

Chandra Chakrabarty v. State of West Bengal where this Court ruled that:

6. Now in the present case each charge was so bare that it was not capable of being intelligently understood and was not sufficiently definite to furnish materials to the appellant to defend himself. It is precisely for this reason that Fundamental Rule 55 provides, as stated before, that the charge should be accompanied by a statement of allegations. The whole object of furnishing the statement of allegations is to give all the necessary particulars and details which would satisfy the requirement of giving a reasonable opportunity to put up defence. ... The entire proceedings show a complete disregard of Fundamental Rule 55 insofar as it lays down in almost mandatory terms that the charges must be accompanied by a statement of allegations. We have no manner of doubt that the appellant was denied a proper and reasonable opportunity of defending himself by reason of the charges being altogether vague and indefinite and the statement of allegations containing the material facts and particulars not having been supplied to him. In this situation, for the above reason alone, the Trial Judge was fully justified in decreeing the suit.”

15. A similar view was taken in **Anil Gilurker v. Bilaspur Raipur Kshetriya Gramin Bank**², and Paragraph 14 thereof is extracted below:

*“14. This position of law has been reiterated in the recent case of **Union of India v. Gyan Chand Chattar** and in para 35 of the judgment as reported in SCC, this Court has observed that the law can be summarised that an enquiry is to be conducted against any person giving strict adherence to the statutory provisions and principles of natural justice and the charges should be specific, definite and giving details of the incident which formed the basis of charges and no enquiry can be sustained on vague charges.”*

16. In the light of the above, the writ petition is allowed, and the impugned order of punishment issued vide Memo No.JS(Per)/DS(Estt)/AS(REg)/PO-Panels NT/49/2014 dated 16.05.2018 is set-aside. No order as to costs.

As a sequel, the miscellaneous petitions if any shall stand dismissed.

NYAPATHY VIJAY, J

Date: 19.12.2025

KLP

² (2011) 14 SCC 379