



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

[3208]

FRIDAY, THE SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 28807/2025

Between:

1.KASI REDDY RAMANA MURTHY, , AGE 41 YEARS, S/O. KASIREDDY APPARAO, OCCUPATION (CHARGE SHEETED EMPLOYEE) POLICE CONSTABLE PC.3505/VS, KANCHARAPALEM TRAFFIC POLICE STATION, VISAKHAPATNAM R/O. D.NO.2-69/5, FLAT NO.13, SRAMA SHAKTI NAGAR, PENDURTHI, VISAKHAPATNAM, ANDHRA PRADESH. PIN-530047.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY FOR HOME DEPARTMENT, ANDHRA PRADESH SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT, ANDHRA PRADESH. PIN 522 503.

2.THE COMMISSIONER OF POLICE, OFFICE OF THE COMMISSIONER OF POLICE, POLICE BARRACKS, SURYABAGH, VISAKHAPATNAM DISTRICT, ANDHRA PRADESH.PIN 530 020.

3.THE DIRECTOR GENERAL OF POLICE, ANDHRA PRADESH POLICE, MANAGALAGIRI,GUNTUR DISTRICT ANDHRA PRADESH. PIN 522 503.

...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 graciously pleased to issue a writ order or direction more particularly the one in the nature of writ of Mandamus by directing the respondents not to proceed with the departmental enquiry pursuant to the charge memo issued by the 2nd respondent vide C.No.06/PR/2024 dated 04.08.2024 till finalization of the criminal case in FIR.No.64/2024, dated 07.02.2024 on the file of the Chodavaram Police Station, Anakapalli as the allegations in the criminal case and as well as departmental enquiry are based on the same set of facts as otherwise the petitioner will be put to irreparable loss and hardship and to pass such

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 may be graciously pleased to direct the respondents not to proceed with the departmental enquiry pursuant to the charge memo issued by and the 2nd respondent vide C.No.06/PR/2024 dated 04.08.2024 pending disposal of the above Writ Petition and pass such

Counsel for the Petitioner:

1.BALA MURALI KRISHNA P

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

ORDER:

The present Writ Petition is filed, under Article 226 of the Constitution of India, seeking the following relief:

“to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus or an appropriate writ or order i to declaring the respondents not to proceed with the departmental enquiry pursuant to the charge memo issued by the 2nd respondent vide C.No.06/PR/2024 dated 04.8.2024 till finalization of the criminal case in FIR.No.64/2024, dated 07.02.2024 on the file of the Chodavaram Police Station, Anakapalle as the allegations in the criminal case and as well as departmental enquiry are based on the same set of facts as otherwise the petitioner will be put to irreparable loss and hardship and to pass such....”

2. Heard M/s. P.Bala Murali Krishna, learned counsel appearing for the petitioner and learned Assistant Government Pleader for respondents.

3. The contention of the petitioner is that respondent authorities have issued proceedings by initiating the disciplinary proceedings based on the criminal charges. Both the charges in criminal case in Cr.No.64/2024 under Sec.420 IPC of Chodavaram Police Station, Anakapalle and the present disciplinary proceedings are for the same incident i.e. only on the basis of involvement in the criminal case. In the identical circumstances, the Division Bench of this Court has considered the entire issue in W.A.No.467 of 2024 and passed the following order:

This Court has no quarrel with the law laid down by the Hon'ble Apex Court in P. Zadenga's case (2 supra). Whereas, as noted by this bench, the facts are at variance with the facts involved in the said case. A close perusal of the above ruling does not also disclose any observations which would derogate from law laid down by the Apex

Court in M. Paul Anthony's Case (1 supra) and as upheld by the Larger Bench of the Hon'ble Apex Court in Shashi Bhushan Prasad's case.

In that view of the matter, we are of the considered opinion that the appellant has made out a case, which warrants interference by this Court. Accordingly, Writ Appeal is allowed in part. The order of the learned single judge is set aside. There shall be stay of the disciplinary proceedings initiated by the Respondent Nos. 1 to 3 till filing of the charge sheet by the jurisdictional police in FIR No.7 of 2024 of Steel Plant Police Station, Visakhapatnam Commissionerate, and examination & cross examination of all the witness. In the event, charges and witnesses are different as noted by the larger bench in Shashi Bhushan Prasad's Case, it shall be open for the Respondent-Employer to proceed with the enquiry strictly in accordance with law.

4. On perusal of the charge memo dated 02.3.2024 and also the observations of the Division Bench of this Court in the above said orders, this Writ Petition is also disposed of in the same lines. No costs.

As a sequel thereto, interlocutory applications pending, if any, in the writ petition, shall also stand closed.

JUSTICE D.RAMESH

RD
06.02.2026.

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.28807 OF 2025

06.02.2026

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