

THE HON'BLE SRI JUSTICE BATTU DEVANAND

AND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL No.1207 of 2025

JUDGMENT: *(Per Hon'ble Sri Justice Battu Devanand)*

This Writ Appeal is filed aggrieved by the order, dated 31.07.2025 passed by the learned Single Judge of this Court in W.P.No.19897 of 2025.

2. Heard the learned counsel for the appellant and the learned Government Pleader appearing for the respondents.

3. The facts leading to filing of this Appeal are herein under:-

The Writ Petition in W.P.No.19897 of 2025 is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in not concluding the long pending Disciplinary Proceedings against the petitioner *vide* G.O.Rt.No.793 Revenue (Vigilance - 1) Department, dated 13.11.2024 as illegal, arbitrary and in violation of existing specific instructions of the Government issued in G.O.Ms.No.91, General Administration (SER.C) Department, dated 12.09.2022. The said Writ Petition was disposed of, directing the respondent No.1 to appoint an Enquiry Officer and Presenting Officer as required under APCA (CCA) Rules, 1991 forthwith and shall ensure that the enquiry shall be concluded within a period of six (06) months from the date of receipt of a copy of the order. It is also made clear in the said order that in the event the enquiry is not concluded within time specified, the

Disciplinary Authority, as well as Enquiry Officer and Presenting Officer shall be answerable for the delay. Aggrieved by the direction issued by the learned Single Judge of this Court granting six (06) months time to the respondents to conclude enquiry, the present Writ Appeal is filed.

4. During the course of hearing of the appeal, it came to the notice of this Court through the submission of the learned Government Pleader appearing for the respondents that till date the Enquiry Officer or the Presenting Officer are not appointed as per the directions of this Court, dated 31.07.2025. The learned Government Pleader would submit that as and when this Court directed the respondent No.1 to appoint the Enquiry Officer and Presenting Officer forthwith, on 22.09.2025, the respondent No.2 had addressed a letter to the respondent No.1 to appoint an Enquiry Officer and Presenting Officer. But, the respondent No.1 has not complied the same. The action of the respondent No.1 in not appointing the Enquiry Officer and Presenting Officer till date is not justified and it is in violation of the directions issued by this Court. The respondent No.2 has also addressed a letter to the respondent No.1 on 22.09.2025 i.e., nearly after two (02) months from the date of order of this Court, which is also not justifiable.

5. Admittedly, the learned Single Judge of this Court directed the respondent No.1 to conclude the enquiry within a period of six (06) months from the date of receipt of a copy of this order. Already four (04) months time was expired. In G.O.Ms.No.91 General Administration (SER.C) Department, dated 12.09.2022, the Government issued clear instructions to all the

concerned to conclude the disciplinary enquiry initiated against the Government servant within a period of three (03) months in all simple cases and in complicated cases, the enquiry has to be completed within five (05) to six (06) months. It appears that the respondents have not strictly followed the guidelines issued in G.O.Ms.No.91, General Administration (SER.C) Department, dated 12.09.2022.

6. In the present case, admittedly, the charge memo was issued to the appellant for the incident pertaining to the year 2009. It is also admitted fact that now the appellant is 61 years old and he is at the stage of attaining superannuation. At this juncture, the respondents ought to have allowed the appellant to discharge his remaining service with peace rather than placing sword over his head like this by initiating disciplinary proceedings on the verge of his retirement.

7. Considering all these facts and circumstances of this case, in our considered opinion, it is appropriate and desirable to revise the time fixed by the learned Single Judge of this Court, to meet the interest of justice.

8. Accordingly, this Writ Appeal is disposed of with the following directions:-

(a) The order, dated 31.07.2025 in W.P.No.19897 of 2025 is modified to the extent that the respondents shall conclude the enquiry initiated against the petitioner/appellant within a period of two (02) months from today.

(b) In the event the enquiry is not completed within the time stipulated above, the charges levelled against the petitioner/appellant shall stand quashed.

(c) If enquiry is not completed within the time stipulated herein above, the Government shall initiate proceedings against the enquiry authority as per G.O.Ms.No.91, General Administration (SER.C) Department, dated 12.09.2022.

The learned Government Pleader appearing for the respondents shall inform this order to the respondents forthwith.

9. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE BATTU DEVANAND

JUSTICE A.HARI HARANADHA SARMA

Dated: 08.12.2025

PKR

THE HON'BLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA
134

WRIT APPEAL No.1207 of 2025

Dated: 08.12.2025
PKR