

APHC010605372025



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

[3208]

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

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 31392/2025

Between:

1. SAMBANGI RAMA MOHAN, S/O. LATE ADINARAYANA
AGED 59 YEARS, PROJECT DIRECTOR/DMIO, ELURU
R/O. FLAT NO. 202, GOLIS LUXOR, ASHOK NAGAR,
ELURU, WEST GODAVARI DISTRICT.

...PETITIONER

AND

1. STATE OF ANDHRA PRADESH, REP. BY SPECIAL
CHIEF SECRETARY, AGRICULTURE AND
COOPERATION DEPARTMENT, SECRETARIAT,
AMARAVATI, GUNTUR DISTRICT.

2. THE COMMISSIONER OF HORTICULTURE, STATE OF
ANDHRA PRADESH, TTPC BUILDINGS 1ST FLOOR,
OLD MARKET YARD, CHUTTUGUNTA, GUNTUR.

...RESPONDENT(S):

Counsel for the Petitioner:

1.V V SATISH

Counsel for the Respondent(S):

1.GP FOR AGRICULTURE

The Court made the following:

THE HONOURABLE SRI JUSTICE D.RAMESH**WRIT PETITION No.31392 of 2025****ORDER:**

The present writ petition is filed declaring the action of the respondents in initiating disciplinary proceedings with unexplained inordinate delay and continuing even after lapse of 12 years against the petitioner, as illegal, arbitrary and consequently, set aside the disciplinary proceedings issued vide G.O.Rt.No.596, dated 15.09.2022.

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

3. In the year 2013, Anti-Corruption Bureau (ACB), Visakhapatnam registered Crime No.15/RCA-VSP/2013 under Section 13(2) read with 13(1)(e) of Prevention of Corruption Act, 1988 on the ground of having disproportionate assets. Surprisingly, the Government considering the entire fact into consideration has rejected for sanction of prosecution vide G.O.Rt.No.706, dated 09.11.2017, with the following observations:

“7. After careful examination of the matter and after taking all the aspects into consideration, including the fact that the individual has an excellent track record of service with no complaints of corruption or misuse of official position for personal gain and his commendable service to the Department, Government is inclined to believe that this is not a fit case for prosecution and the ends of justice would be met by initiating Departmental Proceedings against the individual under APCS (CCA) Rules 1991, by framing appropriate charges since no concrete and clinching evidence is coming forth to prove the value of the assets as well as to pin point that all the assets indicated in the report were acquired by the individual, and also to prove the accuracy of the amount of expenditure indicated in the report.”

4. However, the respondents have not initiated the disciplinary proceedings. Only after lapse of 12 years they have contemplated the proceedings vide G.O.Rt.No.596, dated 15.09.2022. The same is contrary to record and law.

5. Learned counsel appearing on behalf of the petitioner contended that while refusing the sanction, the Government categorically held that the individual has an excellent track record of service with no complaints of corruption or misuse of official position for personal gain and taking his commendable service to the department, the Government has taken a decision to refuse

the sanction. Learned counsel further contended that again the respondents have sought for sanction and the same was also rejected vide G.O.Rt.No.680, dated 28.10.2024. In such circumstances, the respondents ought not to have initiated the disciplinary proceedings once again for the very same charge and should not proceed further. Apart from that, the learned counsel further contended that the very initiation of the proceedings with an inordinate delay of more than a decade is impermissible. The Hon'ble Apex Court has repeatedly held that just because of initiating disciplinary proceedings after long lapse of time and failing to conclude the same within time is nothing but put a sword on the neck of an employee.

6. Learned counsel for the petitioner has also placed reliance on the orders dated 01.04.2026 passed by this Court in W.P.No.9047 of 2024 in identical circumstances, wherein the following order was passed:

“Considering the submissions and on perusal of the rejection of prosecution vide G.O.Rt.No.976, dated 25.09.2019 and also the consequential rejection in Government Memo dated 21.09.2025, this Court is of the opinion that when the respondent authorities have considered the facts in full sense and rejected the

prosecution twice, there is no necessity to further enquire into the matter. Based on the findings given in the above two Government Orders, the impugned proceedings issued vide G.O.Rt.No.593, dated 27.09.2021 and the consequential proceedings issued vide G.O.Rt.No.909, dated 05.10.2023, are set aside.”

7. Even in the instant case also, twice the Government has considered and rejected for sanction. In the said circumstances, the disciplinary proceedings could not be permitted as both are in contradiction.

8. The respondents have filed a counter and though they have made assertions based on the facts, no reasons have been mentioned for the delay in initiating the disciplinary proceedings and there was no mention for not concluding the said proceedings also.

9. Considering the submissions and on perusal of the rejection of prosecution vide G.O.Rt.No.706, dated 09.11.2017 and also the consequential rejection order vide G.O.Rt.No.680, dated 28.10.2024, this Court is of the opinion that when the respondent authorities have considered the facts in full sense and rejected the prosecution twice, there is no necessity to further

enquire into the matter. Based on the findings given in the above two Government Orders, the impugned proceedings issued vide G.O.Rt.No.596, dated 15.09.2022 are set aside.

10. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

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

JUSTICE D.RAMESH

Date: 07.05.2026

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THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.31392 of 2025

Dated: 07.05.2026

Ivd