

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY
WRIT PETITION NO: 33638 OF 2025**



Between:

M Sai Krishna, S/o. M.Jayaram, aged about 59 years, Executive Engineer,
Dharmavaram Municipality, Sri Satya Sai District

... Petitioner/s

AND

1. The State of Andhra Pradesh, rep., by its Principal Secretary to Government, MA and UD Department, Secretariat Buildings, Velgapudi, Guntur District.
2. The Engineer-in-Chief, Public Health, Andhra Pradesh, Tadepalli, Guntur District.

.... Respondent/s

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ order or direction to declare the impugned charge memo issued by the 1st Respondent bearing G.O.Rt.No.1251, MA and Ud (Vig.III) Dept., dated 14-11-2025 is exfacie illegal, arbitrary, unconstitutional and violation of Art. 14 of the Constitution of India apart from without application of mind and set aside the same and consequently direct the Respondents to consider the case of the Petitioner for promotion as Superintending Engineer and promote him as such with all consequential benefits, as otherwise the Petitioner will be put to heavy and irreparable loss.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed 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 promotion as Superintending Engineer without reference to charge memo issued by the 1st Respondent bearing G.O.Rt.No.1251, MA & UD (Vig.III) Dept., dated 14-11-2025 and promote him as such, Pending disposal of WP 33638 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI RANGARAJULA RAJASEKHARA RAO Advocate for the Petitioner, GP FOR SERVICES I for the Respondent Nos.1 & 2, the Court made the following.

ORDER

The present Writ Petition is filed questioning the charge memorandum issued by the 1st Respondent, vide G.O.Rt. No. 1251, MA & UD (Vig.III) Department, dt. 13.11.2025 as illegal and arbitrary.

Vide impugned charge memorandum, articles of charges framed against the Petitioner regarding the procedural lapses, execution of works as Municipal Engineer at Proddatur Municipality. The impugned charge memorandum was issued under Rule 20 of AP CCA Rules, 1991, but no list of witnesses was cited in annexure thereof for sustenance of charge against the petitioner.

The learned counsel for the petitioner submits that, in the absence of any list of witnesses, the impugned charge memorandum cannot be sustained and is contrary to Rule 20 of APCCA Rules, 1991.

The learned Assistant Government Pleader for Services I submits that the list of witnesses can be substituted at a later point of time.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Services-I appearing for respondents.

Prima facie, the impugned charge memorandum is not in consonance with Rule 20 of APCCA Rules as no list of witnesses on whose evidence the articles of charge were sought to be sustained is mentioned. It is too well known that charges cannot be sustained on mere documents and some witnesses should be examined to mark the documents and speak of their correctness as held by the Hon'ble Supreme Court in the case of Roop Singh Negi vs Punjab National Bank & Ors¹.

Hence, the impugned proceedings shall stand suspended until further orders.

Further, the respondents shall consider the case of the petitioner for the post of Superintendent Engineer.

For filing counter, list the matter on 31.12.2025.

//TRUE COPY//

SD/- B.PRASAD RAO
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary to Government, MA and UD Department, State of Andhra Pradesh, Secretariat Buildings, Velgapudi, Guntur District.
2. The Engineer-in-Chief, Public Health, Andhra Pradesh, Tadepalli, Guntur District.(1 & 2 by RPAD)

3. One CC to SRI. RANGARAJULA RAJASEKHARA RAO Advocate
[OPUC]
4. Two CCs to GP FOR SERVICES I ,High Court Of Andhra Pradesh.
[OUT]
5. **One spare copy**

ksr

HIGH COURT

VN, J

DATED:03/12/2025

list the matter on 31.12.2025.

ORDER

WP.No.33638 of 2025

DIRECTION

