



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

[3460]

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

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 33677/2025

Between:

1.B. VENKATA NADHA PRASAD,, S/O SRI B SRINIVASA RAO,
AGED - 62 YEARS, OCC- ASSISTANT EXECUTIVE ENGINEER
(RTD), R/O SAI DURGA NILAYAM, D.NO.20-242,
BRAHMAPURAM ROAD NO.2, CHILAKALAPUDI,
MACHILIPATNAM. KRISHNA DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT, PANCHAYAT RAJ AND RURAL
DEVELOPMENT (VIG.L)DEPARTMENT, SECRETARIAT,
VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

2.THE ENGINEER IN CHIEF, PANCHAYAT RAJ DEPARTMENT,
VIJAYAWADA, KRISHNA DISTRICT

3.THE SUPERINTENDENT ENGINEER, PANCHAYAT RAJ
DEPARTMENT, AT MACHILIPATNAM, KRISHNA 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 topleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent vide G.O.Rt.No.407, dt.18.07.2024 issued charges Memo and vide G.O. Rt. No. 54 Panchayat Raj and Rural Development (VIG.I)

Department, dt.30.01.2025 appointed the enquiry Officer and Presiding Officer without considering my representation dt. 22.08.2024 to conducting the disciplinary proceedings on the same charges are pending before the C.C.No.8 of 2025 before in the Court of the Honble Special Judge for SPE and ACB Cases-cum-III Addl. District Judge, Vijayawada is illegal, arbitrary, unjust and violation of principles of natural justice and contrary to the orders passed by this Honble Court in W.P.No.23315 of 2020 and consequently direct the respondents not to proceed the departmental proceedings till finalization of the criminal case pending in C.C.No.8 of 2025 before in the Court of the Honble Special Judge for SPE and ACB Cases-cum-III Addl. District Judge, Vijayawada and pass

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 stay of all further proceedings against charge Memo issued by the 1st respondent vide G.O.Rt.No.407, dt.18.07.2024 and vide G.O. Rt. No. 54 Panchayat Raj and Rural Development (VIG.I) Department, dt.30.01.2025 appointed the enquiry Officer and Presiding Officer to conducting the disciplinary proceedings on the same charges are pending in C.C.No.8 of 2025 before in the Court of the Honble Special Judge for SPE & ACB Cases-cum-III Addl. District Judge, Vijayawada and direct to considering the representation dt. 22.08.2024 of the petitioner pending disposal of the writ petition and pass

Counsel for the Petitioner:

1.G SRINIVASULA REDDY

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.33677 OF 2025

ORDER:

1. This Writ Petition is filed declaring the action of the Respondent-authorities in initiating parallel disciplinary proceedings against the Petitioner vide G.O.Rt. No.407 Panchayat Raj and Rural Development (Vig.I) Department, dt.18.07.2024, pending C.C. No.8 of 2025 on the file of the SPE & ACB Cases-cum-III Additional District Judge, Vijayawada, as arbitrary and illegal.
2. The facts relevant to the purpose of this case are as under:
3. The petitioner was appointed as Grade-I Work Inspector on 16.05.1991 and was promoted to Assistant Executive Engineer on 31.10.1994 and retired from the service on attaining the age of superannuation on 31.12.2024. It is submitted that while he was working as Assistant Executive Engineer, Pedana Mandal, he was placed under suspension by the 2nd respondent on 21.03.2021 vide proceedings Rc.Vig.II/298/2021, dt.15.09.2021, and initiated departmental enquiry alleging that the petitioner demanded and accepted a bribe amount of Rs.85,000/- from one Sri Mummidisetty Bala Subrahmanyam on 18.03.2021 to process the payment of bills of Rs.24,00,000/- for the undergoing constructions viz., New Grama Sachivalayam Building, Rytu Bharosa Kendram Health Care Center (Wellness Centre).

4. Parallely, Police Department has proceeded with the investigation and filed a charge sheet which was numbered as C.C.No.8 of 2025 on the file of the SPE & ACB Cases-cum-III Additional District Judge, Vijayawada, The petitioner further submits that the criminal case and the disciplinary case are with respect to the same incident and it will cause prejudice to the petitioner. He placed reliance on the judgment of the Hon'ble Supreme Court in **M.Paul Anthony v. Bharat Gold Mines Limited¹**.
5. The learned Assistant Government Pleader would submit that there is no bar to proceed with the enquiry simultaneously and placed reliance on the judgment of the Hon'ble Supreme Court in **Secretary, Lucy Sequeira Trust and Another v. Kailash Ramesh Tandel and Others²**
6. **Reasoning:** The departmental proceedings were initiated against the petitioner based on his involvement in Crime No.03/RCT ACB-VJA/2021. The list of witnesses mentioned in Annexures and the list of witnesses in the charge sheet are almost similar. The Hon'ble Supreme Court **State Bank of India and others v. Neelam Nag and another³**, balancing the interest of department for expeditious conclusion of departmental enquiry as well as the prejudice of departmental enquiry on the criminal case affecting the delinquent,

¹ 1999(3) SCC 679

² (2019) 6 SCC 155

³ (2016) 9 SCC 491

issued directions to the Sessions Court to complete the Criminal trial as expeditiously as possible, not later than one year from the date of the order. Paragraphs 27 to 29 thereof are extracted below:

“27. Accordingly, we exercise discretion in favour of Respondent 1 of staying the ongoing disciplinary proceedings until the closure of recording of evidence of prosecution witnesses cited in the criminal trial, as directed by the Division Bench of the High Court and do not consider it fit to vacate that arrangement straightaway. Instead, in our opinion, interests of justice would be sufficiently served by directing the criminal case pending against Respondent 1 to be decided expeditiously but not later than one year from the date of this order. The trial court shall take effective steps to ensure that the witnesses are served, appear and are examined on day-to-day basis. In case any adjournment becomes inevitable, it should not be for more than a fortnight, when necessary.

28. We also direct that Respondent 1 shall extend full cooperation to the trial court for an early disposal of the trial, which includes cooperation by the advocate appointed by her.

29. If the trial is not completed within one year from the date of this order, despite the steps which the trial court has been directed to take, the disciplinary proceedings against Respondent 1 shall be resumed by the enquiry officer concerned. The protection given to Respondent 1 of keeping the disciplinary proceedings in abeyance shall then stand vacated forthwith upon expiry of the period of one year from the date of this order.”

7. In view of the above, the Writ Petition is disposed of with the following directions:

- i) The departmental proceedings initiated against the petitioner vide G.O.Rt. No.407 Panchayat Raj and Rural

Development (Vig.I) Department, dt.18.07.2024 shall remain stayed for a period of one (01) year from today.

- ii) The learned Sessions Judge for SPE & ACB Cases, Vijayawada, shall complete the trial in C.C.No.8 of 2025 as expeditiously as possible, preferably within a period of one (01) year considering the fact that the departmental proceedings are stayed, pending disposal of the criminal case.
- iii) The petitioner shall file a copy of this order before the concerned Court and shall co-operate for expeditious disposal of the criminal case.
- iv) If the trial is not concluded within the period of one year, the departmental proceedings can be proceeded with.
- v) There shall be no order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE NYAPATHY VIJAY

Date: 03.12.2025

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