

APHC010651992025



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

[3460]

FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 33826/2025

Between:

M Mani Kumar

...PETITIONER

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. SRINIVASA RAO BODDULURI

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.No.33826 of 2025****O R D E R:**

1. In this Writ Petition, the Petitioner is questioning the inaction of the Respondents in not considering the case of the Petitioner for promotion to the post of Deputy Assistant Commissioner (ST) on the ground that disciplinary proceedings are pending vide G.O.Rt.No.551 Revenue (Vig-VI) Department, dated 02.06.2023, as illegal and arbitrary.

2. The facts leading to the filing of this Writ Petition are as follows:

The petitioner has been working as an Assistant Commercial Tax Officer since 2012. While he was working as Assistant Commercial Tax Officer at the integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District, a Charge Memorandum was issued on the Petitioner on 03.06.2025 vide G.O.Rt.No.551 Revenue (Vig-VI) Department, dated 02.06.2023, whereunder the allegation was that the Petitioner along with staff of Commercial Tax had indulged in corrupt practices by abusing their official position by collecting illegal gratification/Mamools from the persons plying through the

integrated Check Post, Buminivaripalem, Tada Mandal, SPSR Nellore District and found in possession of unaccounted cash of Rs.2,200/- on the date of the surprise check by the ACB Officials.

3. Learned counsel for the Petitioner submits that a surprise check was conducted on 3.06.2016, and based on the said surprise check, a Charge Memorandum was issued on 02.06.2023, and there is a delay of seven years in issuing the Charge Memorandum. Learned counsel for the Petitioner further submits that no amount was recovered from the Petitioner as on the date of the surprise check as the Petitioner was relegated to checking the vehicular traffic plying through the integrated check post, and in spite of the same, the Charge Memorandum was issued to the Petitioner.

4. The contention of the learned counsel for the Petitioner is that the Petitioner is now working as an Assistant Commercial Tax Officer, and now he is due for promotion to the post of Deputy Assistant Commissioner, and the Charge Memorandum is coming in the way of the Petitioner in not considering his promotion to the said post.

5. Learned Assistant Government Pleader submits that the case of the Petitioner would be examined in terms of G.O.Ms.No.257 GA (SER.C) Department, dated 10.06.1999.

6. Heard the respective counsel.

7. Considering the submissions made and the delay of seven years in issuing the Charge Memorandum, under which no amount was recovered from the Petitioner during the surprise visit by the ACB Officials, the Writ Petition is disposed of with the following directions:

(i) The Respondents are directed to consider the Petitioner's case for promotion to the Post of Deputy Assistant Commissioner (ST) in terms of G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999.

ii) The Respondents shall take into account the delay of seven years in issuing the Charge Memorandum vide G.O.Rt.No.551, dated 02.06.2023 while considering the case of the Petitioner apart from the Surprise Check Proceedings whereunder the role of the Petitioner was relegated to checking the vehicular traffic plying through the Integrated Checkpost.

(ii) There shall be no order as to costs.

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

Date: 05.12.2025
eha

NYAPATHY VIJAY, J

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 33826/2025

Dt. 05.12.2025

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