

APHC010652142025



**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: 33828/2025

Between:

B Gopal

...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 II

The Court made the following:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.No.33828 of 2025****O R D E R:**

1. In this Writ Petition, the Petitioner is seeking a direction to the Respondents to consider his case for promotion to the post of Deputy Assistant Commissioner (ST) in the light of the interim order passed by this Court in W.P. No. 22180 of 2025 suspending the punishment of withholding of two annual grade increments without cumulative effect vide G.O.Rt.No.340 Revenue (Vigilance-VI) Department, dated 23.04.2025.

2. The Petitioner is working as an Assistant Commercial Tax Officer, and the next available promotion for the Petitioner is Deputy Assistant Commissioner. While so, a Departmental Enquiry was initiated against the Petitioner pursuant to a surprise check conducted on 20.01.2016 at the integrated check post, B.V.Palem, Tada Mandal. On the basis of the recovery of the amount from the Petitioner at the time of the surprise check, a disciplinary action was initiated, which culminated in imposing the punishment of stoppage of two annual grade increments without cumulative effect.

Questioning the same, W.P.No.22180 of 2025 was filed.

3. This Court, after hearing the respective counsel, passed an interim order suspending the punishment imposed on the Petitioner. The relevant portion of the interim order, dated 21.08.2025, is extracted below:

“The finding in the enquiry report was that the charge against the Petitioner was held to be proved. Primarily the amount of Rs.8,980/- was recovered outside the premises of the incoming check post and as regards the amount of Rs.2,540/- was recovered in the office, none of the drivers cited as witnesses 1 to 3 in the charge memorandum were examined. In the absence of any drivers speaking about any payment being made by the Petitioner and other members in the office, attributions with regard to recovery of the amount of Rs.2,540/- remains unsubstantiated.

As regards, recovery of the amount of Rs.8,980/-, the same is recovered outside the premises and there appears to be no evidence to connect the Petitioner to the said amount. These aspects were not examined in the enquiry report or in the impugned order of punishment.

As a prima facie case is made out, there shall be interim suspension of the G.O.Rt.No.340 Revenue (Vigilance-VI) Department, dated 23.04.2025 for a period of eight (8) weeks”.

4. Heard the respective counsel.

5. As the punishment imposed on the Petitioner was suspended by this Court in W.P. No. 22180 of 2025 by way of interim order, there is no hindrance for the Respondent authorities to consider the case of the Petitioner for

promotion to the post of Deputy Assistant Commissioner (ST).

6. Accordingly, the Writ Petition is disposed of with following directions:

i) The Respondents shall consider the case of Petitioner for promotion without reference to the punishment of withholding of two annual grade increments without cumulative effect vide G.O.Rt.No.340 Revenue (Vigilance-VI) Department, dated 23.04.2025.

ii) There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in this Petition shall stand closed

Date: 05.12.2025
eha

NYAPATHY VIJAY, J

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 33828/2025

Dt. 05.12.2025

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