



**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: 33928/2025

Between:

1. P ADINARAYANA, S/O SATYAM, AGED ABOUT 63 YEARS,
OCC. PANCHAYAT SECRETARY GRADE -I (RETIRED),
BORRAMPALEM GRAMA PANCHAYAT, T. NARASAPURAM
MANDAL, ELURU DISTRICT (WEST GODAVARI DISTRICT).

...PETITIONER

AND

1. THE STATE OF AP, REP. BY PRINCIPAL SECRETARY,
PANCHAYAT RAJ AND RURAL DEVELOPMENT
DEPARTMENT SECRETARIAT BUILDINGS, VELAGAPUDI,
GUNTUR DISTRICT.

2. THE COMMISSIONER, PANCHAYAT RAJ AND RURAL
EMPLOYMENT DEPARTMENT, STATE OF ANDHRA
PRADESH, TADIPALLI, GUNTUR DISTRICT.

3. THE DISTRICT COLLECTOR PR WING, ELURU DISTRICT,
ELURU.

4. THE DISTRICT PANCHAYAT OFFICER, ELURU DISTRICT,
ELURU.

...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 to issue a Writ, order or direction, more particularly one in the nature of writ of mandamus,

declaring the action of the respondents not releasing the increments from the year 2018 to 2021 as highly illegal, arbitrary, unjust, violative of the provisions of Fundamental Rules and contrary to the orders of this Honble Court apart from violative of Article 14, 16 and 21 of the Constitution of India and consequently direct the respondents to release the increments from the year 2018 to 2021 in terms of the orders of this Honble Court in W.P.No.4553 of 2021 dated 24.02.2021 and pass

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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 direct the respondents to release the increments from the year 2018 to 2021 in pursuance of the orders of this Honble Court in W.P.No.4553 of 2021 dated 24.02.2021 pending disposal of the above writ petition and pass

Counsel for the Petitioner:

1. T S N SUDHAKAR

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.No.33928 of 2025****ORDER :**

The present Writ Petition is filed questioning the action of the Respondents in not releasing the Annual Grade Increments due to the Petitioner for the years i.e., 2018 to 2021 as illegal and arbitrary.

2. The Petitioner was placed under suspension on 23.05.2018 with regard to certain allegations pertaining to Misappropriation of Parimpudu Gram Panchayat funds during the years 2014-2015 to 2016-2017. Subsequently, the Petitioner was reinstated into the service on 15.02.2022 vide proceedings in PRR02-12021(12)/30/2018-21-COMMIS.PR & RD dated 09.12.2019.

3. The grievance of the Petitioner in the present Writ Petition is that the Petitioner was not paid Annual Grade Increments during the period of suspension i.e., during the years 2018 to 2021 even though representations were given to that effect to the Respondent Authorities. Hence, the present writ petition is filed.

4. Learned counsel for the Petitioner relied upon a judgment of the Division Bench of this Court in W.P. No. 6617 of 2004 and

similar judgments passed by this Court in W.P.No. 9228 of 2021, 4553 of 2021, and 18004 of 2022. This Court in similar circumstances had directed the Respondent Authorities to sanction the annual grade increments after referring to the provisions of F.R.24.

5. Learned Assistant Government Pleader would submit that the Representation given by the Petitioner for the purpose as sought would be considered by the Respondent-Authorities and an appropriate decision would be taken.

6. Heard both the counsel.

7. The Division Bench of this Court in W.P. No. 6617 of 2004, dated 04.11.2004, was considering the case of an individual seeking subsistence allowance after factoring in the annual grade increments. The Andhra Pradesh Administrative Tribunal had directed that the subsisting allowance be paid after taking into account the annual increments. In the Writ Petition filed by the State, the Division Bench of this Court, after referring to the provisions of FR 24, held that unless an order of withholding increments is passed, the same cannot be withheld. The paragraphs Nos. 5, 6 and 7 thereof are extracted below:

"It is contended by the Petitioners that in view of the provisions of F.R.24, as the Respondent has not been in active service, there is no method by which his conduct in service be judged. Therefore, he is not entitled to any incremental benefits. In view of the provisions of F.R.24:

"F.R.24. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government Servant by (the State Government), or by any authority to whom the State Government may delegate this power if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment the withholding authority shall state the period of which it is withheld, and whether the postponement shall have the effect of postponing future increments".

It is apparent from the rule that an increment shall be drawable by an employee as a matter of course unless it is withheld. An increment may however be withheld on proof of a Government Servant's unsatisfactory or bad conduct. However, that an order withholding increments shall state the period from which it is withheld and whether the postponement shall have effect of postponing future increments. In any event, an order of withholding of increments constitutes a penalty and requires following the due procedure under the provisions of A.P.C.S. Rules, 1991.

It is not the case of the Petitioners that any such procedure was followed or an order withholding the increments of the respondent was passed.

In the above circumstances, the assumption of the Petitioners that the respondent is not entitled to the incremental benefits is misconception. We find no error in the order of the

Tribunal warranting interference in this Writ Petition”.

The said principle was followed in series of judgments of this Court in W.P.Nos 9228 of 2021, 4553 of 2021, and 18004 of 2022.

8. In that view, the present Writ Petition is allowed declaring the action of the Respondents in withholding the Annual Grade Increments of the Petitioner for the years i.e., 2018 to 2021 as illegal, and consequently, the Respondents are directed to release the Annual Grade Increments due to the Petitioner for the years i.e., 2018 to 2021 within a period of One (01) month from the date of receipt of a copy of this Order. There shall be no order as to costs.

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

NYAPATHY VIJAY, J

Date: 05.12.2025

CHS

HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.33928 of 2025

Date: 05.12.2025

CHS