

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.35649 of 2025

ORDER:

1. The present Writ Petition is filed questioning the inaction of Respondents in concluding the disciplinary proceedings initiated against the Petitioner *vide* Charge-Memorandum vide Ref.No.CCST's File No.VI/165/2013, dated 20.02.2024 with an inordinate delay of 11 years, as illegal and arbitrary.

2. The facts in brief are as follows;

The Petitioner has been working as Assistant Commissioner of State Tax, Visakhapatnam. While the Petitioner was working as Deputy Commercial Tax Officer, Guntakal, one person by name Sri D. Hanumaiah had given a complaint on 03.03.2013 making certain allegations. On the basis of the said allegations, FIR was registered by the ACB, Ananthapur Range on 04.03.2013 and a charge-sheet was filed. The criminal case was registered on the file of the Special Judge for Trial of SPE & ACB Cases at Kurnool. Subsequently, G.O.Ms.No.208 Revenue (Vig.III) Department dated 11.05.2016 was issued proposing to proceed departmentally against the Petitioner and the criminal case was dismissed as withdrawn on 21.09.2022.

3. The impugned Charge-Memorandum was issued based on the very same allegations in the year 2025.

4. The grievance of the Petitioner in filing the Writ Petition is that though decision to initiate the disciplinary proceedings were taken against the Petitioner in the year 2016, there has been no progress in the enquiry even after issuance of Charge-Memorandum. It is stated that Petitioner is due to retire on October, 2026 and the pendency of Charge-Memorandum would affect his retirement benefits.

5. Though Charge-Memorandum was questioned in the Writ Petition, the learned Senior Counsel Sri M. Vijay Kumar would submit that expeditious conclusion of disciplinary proceedings would suffice.

6. Learned Assistant Government Pleader Sri S.Raju would submit that due to certain administrative issues, there is delay, however, submitted that the enquiry would be completed as expeditiously as possible as mandated under G.O.Ms.No.91, General Administration (Service.C) Department, dated 12.09.2022 relied upon by the learned counsel for the Petitioner.

7. Heard the counsels.

8. The Government had issued the comprehensive guidelines for conclusion of departmental proceedings vide Clause 5(ix) of G.O.Ms.No.91, dated 12.09.2022 would be relevant for disposal of this case, which reads as follows;

“ix. Government direct that in all simple cases the inquiry initiated against Government Servant shall be completed within three months either by Departmental Officers or Commissioner of Inquiries. In complicated cases, it shall be ensured that the inquiry should be completed within five to six months. The Secretaries to Government shall review the progress of the inquiries ordered in all disciplinary cases and submit a note on the cases pending beyond the stipulated time to Chief Secretary to Government and also the Chief Minister.”

9. Considering the fact that the Petitioner is due to retire in the month of October, 2026 and the issue of alleged misconduct pertains to the year 2013, the Writ Petition is disposed of within the following directions;

(i) The Respondent-authorities shall conclude the enquiry against the Petitioner within a period of six (6) months from the date of receipt of a copy of this order;

(ii) The Petitioner shall cooperate for expeditious conclusion of the enquiry;

(iii) The delay in conclusion beyond the time prescribed would be construed as contempt of this order and the disciplinary authority as well as inquiry authority would be held accountable;

(iv) In the event, the disciplinary enquiry is not concluded within the time specified above, the retirement benefits in entirety due to the Petitioner would be disbursed to the Petitioner on his superannuation without further reference to the orders of this Court;

(v) No order as to costs.

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

JUSTICE NYAPATHY VIJAY

Date: 08.01.2026

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Dated: 08.01.2026

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