APHC010000302025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3460]**
(Special Original Jurisdiction)

THURSDAY,THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 241/2025

Between:

1. B VENUGOPALA KRISHNA, S/O KESAVARAO, AGED 53 YEARS, WORKING AS ASSISTANT DIVISIONAL ENGINEER / DEPUTY EXECUTIVE ENGINEER KOYOLAGUDEM ELURU DISTRICT, R/O FLAT.NO 301, VARRE TOWERS, SATRAM PEDU, ELURU DISTRICT.

...PETITIONER

AND

1. AP EASTERN POWER DISTRIBUTION COMPANY LIMITED APEPDCL, (APEPDCL) REP BY ITS CHAIRMAN AND MANAGING DIRECTOR, VISAKHAPATNAM, PAND T COLONY, SEETAMMADHARA, GAJUWAKA, STATE OF A.P.
2. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, ENERGY DEPARTMENT. A.P. SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.
3. THE CHAIRMAN AND MANAGING DIRECTOR, APEPDCL, SEETHAMMADHARA, GAJUWAKA, VISAKHAPATNAM, STATE OF A.P.
4. THE CHIEF GENERAL MANAGER HRD, APEPDCL, SEETHAMMADHARA, GAJUWAKA VISAKHAPATNAM, STATE OF A.P.

5. THE EXECUTIVE ENGINEER, DIVISIONAL ELECTRIC ENGINEER, (OPERATION), APEPDCL, J.R.GUDEM, ELURU, ELURU 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 tomay be pleased to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declare the action of the Respondents in not releasing Annual Grade Increments which fall on due from 2021 to till date, to the Petitioner on mere pedency of C.C.No. 2 of 2024 on the file The Special Judge for SPE and ACB Cases, Rajamahendravaram, without there being any order of punishment for withhodling / postponing the same, as illegal artbitrary unreasonable, discriminatory and in violation of Fundamental Rule - 24 and Regulation 32 of A.P.S.E.B as adopted by the APEPDCL, consequently direct the respondents herein to release the annual grade increments which fall on due from 2021 till date, in terms of similiar orders of this Honble Court passed in W.P.No. 5217 of 2019, dated 18-04-2019 and to pass such

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 may be pleased to direct the respondents to release annual grade increments to the petitioners which fall due from 2021 to till date, in terms of FR-24 and Regulation No. 32 of APSEB Service Regualtions adopted by APEPDCL, pending disposal of the above writ petition and to pass such

IA NO: 2 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 may be pleased to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declare the action of the Respondents in not releasing Annual Grade Increments which fall on due from 2019 to till date, to the Petitioner on mere pendency of C.C.No. 2 of 2024 on the file The Special Judge for SPE & ACB Cases,

Rajamahendravaram, without there being any order of punishment for withholding / postponing the same, as illegal arbitrary unreasonable, discriminatory and in violation of Fundamental Rule - 24 and Regulation 32 of A.P.S.E.B as adopted by the APEPDCL, consequently direct the respondents herein to release the annual grade increments which fall on due from 2019 till date, in terms of similar orders of this Hon'ble Court passed in W.P.No. 5217 of 2019, dated 18-04-2019 and pass

IA NO: 1 OF 2026

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 May be pleased to grant leave to the Respondents in the W.P.No. 241 of 2025 to file Counter Affidavit in the above writ petition and to pass

Counsel for the Petitioner:

1. CHILAMKURTHI SATYA DEV NAIDU

Counsel for the Respondent(S):

1. V V SATISH (SC for APEPDCL)

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.241 of 2025

ORDER:

1. The present Writ Petition is filed questioning the action of Respondents in not releasing Annual Grade Increments (due from 2021 to till date), to the Petitioner, due to pendency of C.C.No.02 of 2024 on the file of Special Judge for SPE and ACB Cases, Rajamahendravaram, as illegal and arbitrary.

2. The Petitioner was appointed as 'Trainee Assistant Engineer' on 27.10.1997 and was subsequently appointed as regular Assistant Engineer on 27.10.1998. Thereafter, the Petitioner was promoted to the post of Assistant Divisional Engineer (ADE) and was posted to work at (C&O), Ganapavaram in West Godavari District. While so, on 18.06.2019, a criminal case was registered against the Petitioner by the Anti Corruption Bureau (ACB) authorities. Thereafter, the Trial Court had taken cognizance for the said crime *vide* C.C.No.02 of 2024 and the said criminal case is pending as on date.

3. The grievance of the Petitioner in the present Writ Petition is that the Petitioner was not paid annual grade increments from the year 2019 to till date, even though representation was given to that effect to the Respondent-Authorities.

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.Nos.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. It was further submitted that the Regulation No.32 of A.P.S.E.B service regulations is akin to F.R.24, which is interpreted by the Judgments of this Court referred above.

5. Sri V. V. Satish, learned Standing Counsel appearing for Respondent Nos.1, 3 to 5 submitted that the annual grade increments cannot be granted to the Petitioner, as he was involved in a criminal case, which is grave in nature. It was further submitted that the grant of annual grade increments is not warranted to the Petitioner as apparent from a reading of the Regulation No.32 of A.P.S.E.B service regulations.

6. Heard the counsels.

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:*
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> *"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 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".*
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> *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.*
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> *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".*

8. 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.

9. In that view, the present Writ Petition is allowed declaring the action of the Respondents in withholding the annual grade increments from the year-2019 to till date, as illegal, and consequently, the Respondents are directed to release the annual grade increments due

to the Petitioner from the year-2019 to till date 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, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE NYAPATHY VIJAY

Date: 18.06.2026
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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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Dated: 18.06.2026

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