APHC010028052024

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

WEDNESDAY, THE 16th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 1601 OF 2024

Between:

1. I. Krishna,, S/o. I.Venkaiah Aged 55 years, E.No.358241, Driver Gr-I, APSRTC, Governorpet - II Depot, Krishna District.

...Petitioner

AND

1. The State of Andhra Pradesh, represented by its Principal Secretary, Public Transport Department, Secretariat, Velagapudi, Guntur District.
2. The Andhra Pradesh State Public Transport Department and APSRTC, rep. by its Vice Chairman and Managing Director, RTC House, Pandit Nehru Bus Station, Vijayawada, Krishna District.
3. The Depot Manager, APSRTC, Governorpet - II Depot, Krishna District.

...Respondents

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 or order, direction more particularly one in the nature of Writ of Mandamus, declaring the office order dated 29.12.2023 of the 3rd respondent, in imposing punishment of withholding annual increment for a period of two years with cumulative effect on petitioner's future increments, as illegal, arbitrary, unjust, in utter violation of principles of natural justice, contrary to Regulation 8(l)(i) to (vi) and 12 of The APSRTC Employees (Classification, Control and Appeal) Regulations, 1967 and also in violation of Article 14 and 21 of the Constitution of India and set-aside

the same and consequently to direct the respondents to release the increments and pass

IA NO: 1 OF 2024

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 pleased to suspend the office order dated 29.12.2023 of the 3rd respondent and direct the respondents to release the increments pending disposal of the above writ petition 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 herein to file the counter affidavit in W.P. No. 1601 of 2024 and pass

Counsel for the Petitioner: V PADMANABHA RAO
Counsel for the Respondents: P VENKATA RAO SC For APSRTC
Counsel for the Respondents:GP FOR TRANSPORT
The Court made the following order:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

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O R D E R

1) The Writ Petition is filed for the following relief:

> *"....to issue a writ or order, direction more particularly one in the nature of Writ of Mandamus, declaring the office order dated 29.12.2023 of the 3rd respondent, in imposing punishment of withholding annual increment for a period of two years with cumulative effect on petitioner's future increments, as illegal, arbitrary, unjust, in utter violation of principles of natural justice, contrary to Regulation 8(l)(i) to (vi) and 12 of The APSRTC Employees (Classification, Control and Appeal) Regulations, 1967 and also in violation of Article 14 and 21 of the Constitution of India and set-aside the same and consequently to direct the respondents to release the increments and pass....."*

2) The present Writ Petition is filed challenging the Officer Order, dated 29.12.2023, whereby the Respondents have imposed a major penalty of withholding two annual increments with cumulative effect, thereby affecting his future increments.

3) Learned Counsel appearing for the Petitioner submits that a charge memo was issued to the Petitioner on 28.11.2023, pursuant to which he submitted his explanation, which was received by the Respondents on 11.12.2023. Thereafter, a show-cause notice, dated 14.12.2023, was issued to which Petitioner submitted his explanation.

However, without conducting a regular departmental enquiry, Respondents proceeded to pass the impugned order imposing the penalty of withholding two annual increments with cumulative effect. Learned Counsel submits that, as the penalty imposed is a major penalty, Respondents were required to follow the procedure prescribed under the Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967, including conducting a regular departmental enquiry. It is further submitted that the Respondents relied upon a preliminary enquiry, which was allegedly conducted much prior to the issuance of the charge memo and show-cause notice, and proceeded to impose a major penalty without conducting the enquiry contemplated under the Rules.

4) Having considered the submissions of the learned Counsel for the Petitioner and upon perusing the material available on record, without expressing any opinion on the merits of the case, as the penalty imposed under the impugned order is a major penalty and the charge memo, dated 28.11.2023, was issued to the Petitioner and that the impugned order was passed thereafter without conducting regular enquiry as contemplated under the Regulation of the Corporation.

5) In view of the above, this Court is of the considered view that the Respondents have not followed the procedure prescribed under the

Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967, before imposing major penalty upon the Petitioner. Consequently, the impugned order, dated 29.12.2023, cannot be sustained and is liable to be set aside.

6) Accordingly, Writ Petition is allowed and the impugned order, dated 29.12.2023, is set aside. The Respondent authorities are directed to proceed further in the matter from the stage subsequent to the issuance of the charge memo, dated 28.11.2023, by following the procedure prescribed under the Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967, and conclude the departmental enquiry and pass appropriate orders, in accordance with law, after duly affording reasonable opportunity of hearing to the Petitioner. The entire exercise shall be completed as expeditiously as possible, preferably within a period of four (04) months from the date of receipt of a copy of the order

7) Petitioner shall cooperate with the departmental enquiry and shall not seek unnecessary adjournments.

8) Accordingly, the Writ Petition is **allowed** to the extent indicated above.

9) There shall be no order as to costs.

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

JUSTICE BALAJI MEDAMALLI

Date: 16.09.2026
SM

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION No. 1601 of 2024

Dated: 16.09.2026

SM