APHC010455432026

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

WEDNESDAY, THE 2nd DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 24857/2026

Between:

1. NADIPENA RAMA RAO, S/O LATE APPA RAO AGED ABOUT 58 YEARS SANITARY INSPECTOR O/O VIZIANAGARAM MUNICIPAL CORPORATION VIZIANAGARAM DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT MA AND UD DEPARTMENT SECRETARIAT VELGAPUDI GUNTUR DISTRICT 522 238
2. THE COMMISSIONER AND DIRECTOR OF MUNICIPAL CORPORATION, ANDHRA PRADESH 4TH FLOOR APCRDA PROJECT OFFICE RAYAPUDI TULLURU MANDAL GUNTUR DISTRICT 522 238

...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 toissue an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in initiating and proceeding with simultaneous and parallel disciplinary proceedings pursuant to charge memo issued in GO Rt No 416 MA and UD Vig-1 4 Department dated 16-05-2024 citing Petitioners involvement in CC No 47 of 2024 on the file of Honble Court of III Additional District

and Sessions Judge for ACB Cases Visakhpatnam on same set of material facts and evidence as being arbitrary illegal unjust and contrary to the law laid down in Capt M Paul Anthony case 1999-3-Supreme-376 wherein it is laid down that if departmental proceedings and criminal case are based on same set of facts and evidence departmental proceedings cannot be proceeded with and in violation of Article 14 of the Constitution of India

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 grant stay of disciplinary proceedings pursuant to Charge memo issued by the 4th Respondent in GO Rt No 416 MA and UD Vig-1 Department dated 16-05-2024 pending finalization of the criminal case in CC No 47 of 2024 on the file of Honble Court of III Additional District and Sessions Judge for ACB Cases Visakhpatnam pending disposal of the above writ petition

Counsel for the Petitioner:

1. RANGARAJULA RAJASEKHARA RAO

Counsel for the Respondent(S):

1. GP FOR SERVICES IV

The Court made the following:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.24857 of 2026

ORDER:

1. The present Writ Petition is filed questioning the action of the Respondent-Authorities in initiating parallel disciplinary proceedings, dated 16.05.2024 against the Petitioner, pending C.C.No.47 of 2024 before the Special Judge for SPE & ACB cases, Visakhapatnam, as arbitrary and illegal.

2. The Petitioner is working as a Sanitary Inspector in the office of Vizianagaram Municipal Corporation, Vizianagaram district. While so, on 21.09.2022, the Anti-Corruption Bureau, Srikakulam Range laid a trap against the Petitioner alleging that the Petitioner accepted bribe of Rs.30,000/- from one Sri Kurma Rao for doing an official favour i.e., to process an application for allotment of a shop. On the same day, Cr.No.06/RCT-ACB/SKL/2022 under Section 7(a) and 12 of the Prevention of Corruption (Amendment) Act, 2018 was registered against the Petitioner and the same was taken cognizance by the Special Judge for SPE & ACB cases, Visakhapatnam, which is pending trial.

3. Parallelly, the Respondent-Authorities initiated the Disciplinary Proceedings, dated 16.05.2024 on the same allegations mentioned in the criminal case.

4. Learned counsel for the Petitioner submits that the criminal case and the disciplinary case are with respect to the same incident and it will cause prejudice to the Petitioner. He placed reliance on the Judgment of the Hon'ble Supreme Court in ***M.Paul Anthony v. Bharat Gold Mines Limited***[1].

5. This Court taking note of the Judgment of the Hon'ble Supreme Court in ***Secretary, Lucy Sequeira Trust and Another v. Kailash Ramesh Tandel and Others***[2] disposed of similar Writ Petitions, with the following directions:-

> *(i) The departmental proceedings, dated 16.05.2024 initiated against the Petitioner shall remain stayed for a period of one year from today.*
>
> *(ii) The learned Special Judge for SPE and ACB Cases, Visakhapatnam, shall complete the trial in C.C.No.47 of 2024 pending on its file, as expeditiously as possible, preferably within a period of one year considering the fact that the*

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[1] 1999 (3) SCC 679

[2] (2019) 6 SCC 155

departmental proceedings are stayed, pending disposal of the criminal case.

(iii) The Petitioner shall file a copy of this order before the concerned Court and shall co-operate for expeditious disposal of the criminal case.

(iv) If the trial is not concluded within the period of one year, the departmental proceedings can be proceeded with.

6. In the present case, the departmental enquiry is an offshoot of the criminal case and the documentary and oral evidence is similar. Therefore, the Writ Petition is disposed of in terms of directions in Paragraph No.5. No order as to costs.

As a sequel, the miscellaneous petitions if any shall stand dismissed.

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NYAPATHY VIJAY, J

Date: 02.09.2026

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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Dated:02.09.2026

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