IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

THURSDAY, THE SIXTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 3125 OF 2025

Between:

B.Jagannadha Rao, S/o Atchyutha ramaiah, aged 60 years, working as Dy. Director, Mines and Geology, Visakhapatnam, R/o. Flat No.9, Lakshmi Vallabha Heights, 8th Lane, Syamala Nagar, Guntur - 522006.

...PETITIONER

AND

1. The State of Andhra Pradesh, rep by its Principal Secretary, Industries and Commerce (Mines and Geology) Department, A.P. Secretariat, Velagapudi, Guntur District.
2. The Director of Mines and Geology, Sri Anjaneya Towers, B Block, 6th and 5th floor, Ibrahimpatnam, N.T.R 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 Order or Direction more particularly one in the nature of Writ of mandamus to declare the action of the respondents in denying the candidature of the petitioner for promotion to the post of Joint Director from the category of Dy. Director merely on the ground of pendency of unconcluded Charge Memo in G.O. Rt. No. 27 Industries and Commerce (Vigilance) Department Dated 9-2-2022, issued by the 1st respondent (for the incident relates to the year 2015) pending without any progress contrary to the existing G.O. Ms.No.679 GAD dated1-11-2008 and G.O.Ms.No.91, GAD Dated 12-9-2022. and to give promotion to the petitioner with

retrospective effect from the date from which their juniors were promoted as per 2018-19 DPC and 2019-20 DPC in which the petitioner was not considered and also causing much prejudice to the petitioner in getting his legitimate promotion, as illegal arbitrary discrimination and in violation of principles of natural justice, consequently direct the respondents to consider the candidature of the petitioner for promotion to the post of Joint Director in the existing (4) vacancies, without reference to the pending Charge Memo dated 9-2-2022 issued by the 1st respondent, by kindly extending the similar orders passed in W.P.No.18195 of 2023. dated 31-7-2023 and W.P.No. 2661 of 2024, dated 6-2- 2024 and 2010(4) ALT 374 (D.B).

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 to direct the respondents to consider the candidature of the petitioner for promotion to the post of Joint Director M&G in the existing vacancy, without reference to the pending Charge Memo G.O.Rt.No.27 Dated: 9-2-2022, issued by the 1st respondent and on the same analogy of similar orders passed in W.P.No.2661 of 2024, dated: 6-2-2024, and W.P.No.18195 of 2023, dated: 31-7- 2023, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI CH VENKATA CHALLA RAO

Counsel for the Respondent Nos.1 & 2: GP FOR SERVICES II

The Court made the following: ORDER

APHC010058562025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3331]**
(Special Original Jurisdiction)

THURSDAY, THE SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 3125/2025

Between:

1. B.JAGANNADHA RAO,, S/O ATCHYUTHA RAMAIAH, AGED 60 YEARS, WORKING AS DY. DIRECTOR, MINES AND GEOLOGY, VISAKHAPATNAM, R/O. FLAT NO.9, LAKSHMI VALLABHA HEIGHTS, 8TH LANE, SYAMALA NAGAR, GUNTUR - 522006.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, INDUSTRIES AND COMMERCE (MINES AND GEOLOGY) DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.
2. THE DIRECTOR OF MINES AND GEOLOGY, SRI ANJANEYA TOWERS, B BLOCK, 6TH AND 5TH FLOOR, IBRAHIMPATNAM, N.T.R 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 to issue a Writ Order or Direction more particularly one in the nature of Writ of mandamus to declare the action of the respondents in denying the candidature of the petitioner for promotion to the post of Joint Director from the category of Dy. Director merely on the ground of pendency of unconcluded Charge Memc in G.O. Rt. No. 27 Industries and Commerce (Vigilance) Department Dated 9-2-2022, issued by the 1st respondent for the incident relates to the year 2015) pending without any progress contrary to the

existing G.O. Ms.No.679 GAD dated1-11-2008 and G.O.Ms.No.91, GAD Dated 12-9-2022. and to give promotion to the petitioner with retrospective effect from the date from which their juniors were promoted as per 2018-19 DPC and 2019-20 DPC in which the petitioner was not considered and also causing much prejudice to the petitioner in getting his legitimate promotion, as illegal arbitrary discrimination and in violation of principles of natural justice. consequently direct the respondents to consider the candidature of the petitioner for promotion to the post of Joint Director in the existing (4) vacancies, without reference to the pending Charge Memo dated 9-2-2022 issued by the 1st respondent, by kindly extending the similar orders passed in W.P.No. 18195 of 2023. dated 31-7-2023 and W.P.No. 2661 of 2024, dated 6-2- 2024 and 2010(4) ALT 374 (D.B) and to pass

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 consider the candidature of the petitioner for promotion to the post of Joint Director M&G in the existing vacancy, without reference to the pending Charge Memo G.O.Rt.No.27 Dated: 9-2-2022, issued by the 1st respondent and on the same analogy of similar orders passed in W.P.No. 2661 of 2024, dated: 6-2-2024, and W.P.No. 18195 of 2023, dated: 31-7- 2023, pending disposal of the above "writ petition and pass

Counsel for the Petitioner:

1.CH VENKATA CHALLA RAO

Counsel for the Respondent(S):

1.GP FOR SERVICES II

The Court made the following:

:: ORDER ::

The above writ petition is filed to declare the action of the respondent authorities in denying the candidature of the petitioner for promotion to the post of Joint Director from the cadre of Deputy Director, due to pendency of

the charge memo issued by the respondent No.1 *vide* G.O.Rt.No.27 Industries & Commerce (Vigilance) Department, dated 09.02.2022, as illegal and arbitrary and contrary to G.O.Ms.No.679 General Administration (Ser.C) Department, dated 01.11.2008 and G.O.Ms.No.91 General Administration (Ser.C) Department, dated 12.09.2022.

2. Heard Sri Ch. Venkata Challarao, learned counsel for the petitioner and learned Assistant Government Pleader for Services appeared for the respondents.

3. A charge memo *vide* G.O.Rt.No.27 Industries & Commerce (Vigilance) Department, dated 09.02.2022 (Ex.P13), was issued to the petitioner. The petitioner submitted an explanation dated on 01.09.2023. However, the inquiry has not been concluded so far.

4. Learned counsel for the petitioner would submit that though the petitioner is eligible for promotion, the respondent authorities are not considering the petitioner's case for promotion, due to the pendency of the aforementioned charge memo.

5. Learned Assistant Government Pleader would submit that the respondent authorities will conclude the inquiry in terms of G.O.Ms.No.91 General Administration (Ser.C) Department, dated 12.09.2022 and consider the promotion as per G.O.Ms.No.257 General Administration (Ser.C) Department, dated 10.06.1999.

6. Thus, as seen from the material available on record, there is no dispute regarding the initiation of disciplinary proceedings against the petitioner *vide* G.O.Rt.No.27 Industries & Commerce (Vigilance) Department, dated 09.02.2022 (Ex.P13) and the explanation submitted by the petitioner on 01.09.2023.

7. The Government issued G.O.Ms.No.679 General Administration (Services-C) Department, dated 01.11.2008 and G.O.Ms.No.91 General Administration (Ser.C) Department, dated 12.09.2022 fixing the timelines to complete the inquiry within six months in complicated and three months in simple cases respectively.

8. In the case at hand, two years and four months have elapsed from the date of issuance of the charge memo. However, the inquiry has not been concluded in terms of G.O.Ms.No.91, dated 12.09.2022. The respondent authorities, in the guise of a charge memo, shall not ignore considering the case of the petitioner for promotion, if the petitioner otherwise is eligible. In fact, the Government issued G.O.Ms.No.257 General Administration (Ser.C) Department, dated 10.06.1999 to meet with such contingency.

9. Given the facts and circumstances of the case, the Writ Petition is disposed of at the admission stage with the consent of both the learned counsel, directing the respondent authorities to consider the petitioner's case for promotion in terms of G.O.Ms.257 General Administration (Ser.C) Department, dated 10.06.1999, as and when DPC is constituted and complete the inquiry in terms of G.O.Ms.No.91 General Administration (Ser.C) Department, dated 12.09.2022. No order as to costs.

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

Sd/- M SRINIVAS
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Industries and Commerce (Mines and Geology) Department, State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Guntur District.
2. The Director of Mines and Geology, Sri Anjaneya Towers, B Block, 6th and 5th floor, Ibrahimpatnam, N.T.R District.
3. One CC to Sri Ch Venkata Challa Rao, Advocate [OPUC]
4. Two CCs to GP for Services-II, High Court of Andhra Pradesh [OUT]
5. Three CD Copies

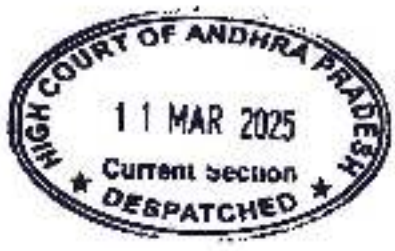
ssb

HIGH COURT

DATED:06/02/2025

ORDER

WP.No.3125 of 2025



DISPOSING OF THE W.P. AT THE STAGE OF ADMISSION WITHOUT COSTS