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

WEDNESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT
THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 5887 OF 2025

Between:

Y Kalavathi, W/o K. Madhusudana Rao, Aged 65 years, Proh Excise Inspector (Retired), R/o D.No.50.11.2/2 Opp. GVK Plaza, Seethammapeta, Visakhapatnam-530016.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep.by Principal Secretary, Revenue (Excise) Department, A.P. Secretariat Building, Velagapudi, Amaravati, Guntur District.
2. The Commissioner of Prohibition Excise, Government of Andhra Pradesh, Prasadampadu, Vijayawada, Krishna District.
3. The Commissioner of Inquiries, Government of Andhra Pradesh, General Administration (COI-MKS) Department, A.P. Secretariat Building, Velagapudi, Amaravati, Guntur District.
4. The Member, Commissionerate of Inquiries, Government of Andhra Pradesh, General Administration (COI-MKS) Department, A.P. Secretariat Building, Velagapudi, Amaravati, Guntur 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 an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not concluding the disciplinary proceedings initiated vide T.E.C.No.352 of 2013, Dt.30.08.2018 and T.E.C.No.382 of 2013, Dt.15.11.2018 as illegal, arbitrary and in violation of Articles 14, 16 and 21 of the Constitution of India apart from violation of instructions issued in G.O.Ms.No.679, GA (Ser-C) Department, Dt.01.11.2008 and also contrary

to the order Dt.28.11.2019 of this Hon'ble Court in W.P.No.19089 of 2019 and 19092 of 2019 and consequently set aside the proceedings vide T.E.C.No.352 of 2013, Dt.30.08.2018 and T.E.C.No.382 of 2013, Dt.15.11.2018.

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 stay all further proceedings in connection with the notice Dt.31.01.2024 issued by the 4th respondent, pending disposal of this writ petition.

Counsel for the Petitioner: SRI MANOJ KUMAR BETHAPUDI

Counsel for the Respondents: GP FOR SERVICES - I

The Court made the following order:

APHC010107942025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3506]**
(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 5887/2025

Between:

Y. Kalavathi ...**PETITIONER**

AND

The State of Andhra Pradesh and Others ...**RESPONDENT(S)**

Counsel for the Petitioner:

1. MANOJ KUMAR BETHAPUDI

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

ORDER:

The present writ petition is filed seeking the following relief:

> " .... to issue an appropriate writ, order or direction, more particularly, one in the nature of writ of Mandamus declaring the action of the respondents in not concluding the disciplinary proceedings initiated vide T. E. C. No.352 of 2013, dated 30.08.2018 and T. E. C. No.382 of 2013, dated 15.11.2018, as illegal, arbitrary and in violation of Articles 14, 16 and 21 of the Constitution of India, apart from violation of instructions issued in G. O. Ms. No.679. G.A. (Ser.C) Department, dated 01.11.2008 and also contrary to the Order, dated 28.11.2019 of this Honble Court in W. P. Nos.19089 of 2019 and 19092 of 2019 and consequently set aside the proceedings vide T. E. C. No.352 of 2013, dated 30.08. 2018 and T. E. C. No.382 of 2013, dated 15.11.2018 and pass...."

2. While petitioner is working as Prohibition and Excise Inspector at Visakhapatnam, raids were conducted by ACB on all Prohibition and Excise Officers and others during the months of December, 2011 and January, 2012 in the combined State of Andhra Pradesh resulting in various F.I.Rs. are being registered. Petitioner was also alleged to have been implicated in one such case and disciplinary proceedings were initiated. The cases against the petitioner were numbered as Tribunal Enquiry Case Nos.352 and 382 of 2013 and nearly after five years, charges were framed on 30.08.2018 and on 15.11.2018 in both cases respectively. Petitioner appeared on 04.03.2018 and 10.01.2019 for enquiry. Thereafter, nothing has happened. Ultimately, the Tribunal was abolished. Petitioner has approached this Court by filing W.P. Nos.19089 and 19092 of 2019, seeking expeditious disposal of enquiry. By orders, dated 28.11.2019, the respondents were directed to complete enquiry expeditiously within a period of four months from the date of receipt of a copy of the said orders. However, respondents did not conclude the enquiry and they have by G.O. Rt.No.546, dated 13.07.2022, directed to release pensionary benefits to the petitioner subject to outcome of pending disciplinary proceedings.

3. Heard Sri M.Vijaya Kumar, learned senior counsel, assisted by Sri Manoj Kumar Bethapudi, learned counsel for the petitioner, and learned Assistant Government Pleader for Services-I appearing for the respondents.

4. Learned Assistant Government Pleader filed Memo No.GAD01-SERVOTDPE/3/2022–SER–E, dated 30.9.2022 directing the Secretary, Tribunal for Disciplinary Proceedings, AP, Hyderabad to hand-over all the files, records, computers, furniture and also cash available with the Tribunal to the Registrar, COI, 1st floor, Building No.5, AP Secretariat, Velagapudi, Guntur District, through proper and safe transportation including protection from rain, on 01.10.2022. Learned Assistant Government Pleader submits that in fact the files were transferred to COI.

5. Disciplinary proceedings, initiated against an employee, are to be completed within three months in simple cases and six months in complicated cases as per G.O.Ms.No.679, General Administration (Services–C) Department dated 01.11.2008. In the case on hand, the petitioner is facing the charges of corrupt motive, abuse of official position and receiving of amount, since 2013 and charges were framed in the year 2018.

6. In **State of A.P. v. N. Radhakishan**[1], the Hon'ble Apex Court held as under:

> "The essence of the matter is that the court has to take into consideration all the relevant factors and to balance and weigh them to determine if it is in the interest of clean and honest administration that the disciplinary proceedings should be allowed to terminate after delay particularly when the delay is abnormal and there is no explanation for the delay. The delinquent employee has a right that disciplinary proceedings against him are concluded expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings. In considering whether the delay has vitiated the disciplinary proceedings the court has to consider the nature of charge, its complexity and on what account the delay has occurred. If the delay is unexplained prejudice to the delinquent employee is writ large on the face of it...."

7. In **P.V. Mahadevan v. MD, T.N. Housing Board**[2], the Hon'ble Apex Court observed as follows:

> "11. ... . The protracted disciplinary enquiry against a government employee should, therefore, be avoided not only in the interests of the government employee but in public interest and also in the interests of inspiring confidence in the minds of the government employees. At this stage, it is necessary to draw the curtain and to put an end to the enquiry. The appellant had already suffered enough and more on account of the disciplinary proceedings. As a matter of fact, the mental agony and sufferings of the appellant due to the protracted disciplinary proceedings would be much more than the punishment. For the mistakes committed by the department in the procedure for initiating the disciplinary proceedings, the appellant should not be made to suffer."

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[1] (1998) 4 SCC 154
[2] (2005) 6 SCC 636

8. In **Secretary, Ministry of Defence v. Prabhash Chandra Mirdha**[3], the Hon'ble Apex Court clearly held that before the charge sheet is quashed, this Court must consider the gravity of the charge and all other relevant factors before coming to the said conclusion.

9. In view of the above expressions, employees cannot work under constant and imminent threat of disciplinary proceedings. If no time schedules are fixed for completion of the disciplinary proceedings, the very purpose of G.O.Ms.No.679 will be frustrated.

10. In the case on hand, the alleged incident took place around 2011-2012 and the cases were registered as Tribunal Enquiry Case Nos.352 and 382 of 2013 and charges were framed in the year 2018. The Tribunal for Disciplinary Proceedings was abolished in the year 2022. There was no progress in the enquiries till abolition of the Tribunal and now the file is transferred to the COI. Though this Court on earlier occasion by orders, dated 28.11.2019, directed the respondents to complete enquiry within a period of three months, the same has not been complied with and the matter still lies pending.

11. Considering the facts and circumstances of the case and in view of the above discussion, the Commissionerate of Inquiries is

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[3] (2012) 11 SCC 565

directed to conclude the enquiries, within a period of three months from today, failing which the charge memos issued to the petitioner vide Tribunal Enquiry Case Nos.352 and 382 of 2013, which were transferred to the C.O.I., pursuant to G.O.Ms.No.98, dated 18.08.2022, shall stand quashed.

12. Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Excise) Department, State of Andhra Pradesh, A.P. Secretariat Building, Velagapudi, Amaravati, Guntur District.
2. The Commissioner of Prohibition Excise, Government of Andhra Pradesh, Prasadampadu, Vijayawada, Krishna District.
3. The Commissioner of Inquiries, Government of Andhra Pradesh, General Administration (COI-MKS) Department, A.P. Secretariat Building, Velagapudi, Amaravati, Guntur District.
4. The Member, Commissionerate of Inquiries, Government of Andhra Pradesh, General Administration (COI-MKS) Department, A.P. Secretariat Building, Velagapudi, Amaravati, Guntur District
5. One CC to Sri Manoj Kumar Bethapudi, Advocate [OPUC]
6. Two CCs to GP for Services - I, High Court of Andhra Pradesh. [OUT]
7. Two CD Copies

RAM

HIGH COURT

DATED:19/03/2025

ORDER

WP.No.5887 of 2025



DISPOSING OF THE WP
WITHOUT COSTS