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

FRIDAY, THE THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 31562 OF 2024

Between:

K. Giridhar, S/o. Durga Prasad Rao, Aged 62 years, Retired Assistant Prohibition and Excise Superintendent, R/o Bridge County, Opposite Giet English College, D.No. 101-D163, Chakradwarabandam village, Rajanagam Mandal, East Godavari District.

...PETITIONER

AND

1. The State of AP, rep. By its Principal Secretary, Revenue (Excise) Department, A.P. Secretariat, Velagapudi, Guntur District.
2. The Commissioner of Proh and Excise Department, State of Andhra Pradesh, R/o. 88-2B, Sai Vihar Apartments, Poultry Farm Road, Prasadampadu (v) Vijayawada, 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 declare the action of the respondents in not concluding the long pending disciplinary Proceedings vide TEC No. 79 of 2013, dated 06- 01-2017 issued by the Tribunal for Disciplinary Proceedings (TDP), now referred to Commissioner of Inquiries vide G.ORt. Nos. 464 Revenue (Vigilance-IV) Department, Dated 09-05-2023 by the 1st respondent, for the incident pertains to the year 2010-2012, as illegal arbitrary and in violation of existing specific instructions of the Government, for early conclusion, and as well as the judgment of the Hon'ble Apex Court, reported in P.V.MAHADEVAN Vs. M.D. TAMIL NADU HOUSING

BOARD, and accordingly set aside the same, consequently direct the respondents to conclude the disciplinary proceedings within 3 months, - in terms of G.O.Ms.No. 679 GA (SER.C) Department, dated 1-11-2008, and G.O.Ms.No. 91 GAD Dated 12-09-2022, failing which the proceedings stands quashed automatically, in terms of the similar orders passed in Liquor Syndicate Cases, in W.P.No. 23107 of 2024 dated 14.10.2024.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to conclude the disciplinary proceedings within 3 months, pending against the petitioner vide TEC No. 79 of 2013, dated: 06-01-2017 which related to Liquor Syndicate, of 2010-12 pending disposal of the above writ petition.

Counsel for the Petitioner : SMT. BUGULU SREETEJA

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following: ORDER

APHC010003182024

[3331]

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PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 31562/2024

Between:

1.K GIRIDHAR, S/O DURGA PRASAD RAO, AGED 62 YEARS, RETIRED ASSISTANT PROHIBITION AND EXCISE SUPERINTENDENT, R/O BRIDGE COUNTY, OPPOSITE GIET ENGLISH COLLEGE, D.NO. 101-D163, CHAKRADWARABANDAM VILLAGE, RAJANAGAM MANDAL, EAST GODAVARI DISTRICT.

...PETITIONER

AND

1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, REVENUE FEXCISE) DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.

2.THE COMMISSIONER OF PROH AND EXCISE DEPARTMENT, STATE OF ANDHRA PRADESH, R/O. 88-2B, SAI VIHAR APARTMENTS, POULTRY FARM ROAD, PRASADAMPADU (V) VIJAYAWADA, 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 declare the action of the respondents in not concluding the long pending disciplinary Proceedings vide TEC No. 79 of 2013, dated 06- 01-2017 issued by the Tribunal for Disciplinary Proceedings (TDP), now referred to Commissioner of Inquiries vide G.ORt. Nos. 464 Revenue (Vigilance-IV) Department, Dated 09-05-2023 by the 1st respondent, for the

incident pertains to the year 2010-2012, as illegal arbitrary and in violation of existing specific instructions of the Government, for early conclusion, and as well as the judgment of the Hon'ble Apex Court, reported in P.V.MAHADEVAN Vs. M.D. TAMIL NADU HOUSING BOARD, and accordingly set aside the same, consequently direct the respondents to conclude the disciplinary proceedings within 3 months, - in terms of G.O.Ms.No. 679 GA (SER.C) Department, dated 1-11-2008, and G.O.Ms.No. 91 GAD Dated 12-09-2022, failing which the proceedings stands quashed automatically, in terms of the similar orders passed in Liquor Syndicate Cases, in W.P.No. 23107 of 2024 dated 14.10.2024 and to pass

IA NO: 1 OF 2024

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Counsel for the Petitioner:

1.BUGULU SREETEJA

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

:: ORDER ::

The petitioner, Retired Assistant Prohibition & Excise Superintendent, filed the above writ petition to declare the inaction on the part of respondent authorities in concluding the disciplinary proceedings issued against him *vide* Tribunal Enquiry Case No.79 of 2013, dated 06.01.2017 (Ex.P1), which is pending before the learned Commissionerate of Inquiries, as illegal and arbitrary.

2. Heard Smt. B. Sreeteja, learned counsel for the petitioner and learned Assistant Government Pleader for Services appeared for respondents 1 & 2.

3. Learned counsel for the petitioner would submit that a case in TEC.No.79 of 2013 was registered against the petitioner based on a surprise check conducted by the ACB officials at the Office of Excise Superintendents at Vijayawada and Machilipatnam Amalapuram on 06.03.2012. Learned counsel would submit that the Government issued G.O.Ms.No.679 General Administration (Ser-C) Department, dated 01.11.2008 fixing timelines to complete the inquiry. She would also submit that initially the cases were pending before the Tribunal for inquiry and after the abolition of the Tribunal, all the above three cases were entrusted to the Commissionerate of Inquiries. However, the inquiry has not concluded so far and thus prayed to quash the charge memos.

4. Learned Assistant Government Pleader for Services would submit that the respondent authorities will conclude the inquiry in the aforementioned Tribunal Enquiry Cases, as expeditiously as possible.

5. 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...."*

[1] (1998) 4 SCC 154

6. In **P.V. Mahadevan vs. 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."*

7. In **Secretary, Ministry of Defence vs. Prabhash Chandra Mirdha**[3], the Hon'ble Apex Court 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.

8. Given the above expressions of the Hon'ble Apex Court, employees cannot work under constant and imminent threat of disciplinary proceedings. Despite fixing time schedules as per the aforementioned G.O. the inquiry is delayed and the very purpose of G.O., has in fact, been frustrated.

9. In the case at hand, the alleged incident took place in 2012 and the case was registered in the year 2013. However, the inquiry has not been concluded so far. The Tribunal for Disciplinary Proceedings was abolished in the year 2022. Thereafter, the disciplinary case was transferred to the Commissionerate of Inquiries.

10. Considering the facts and circumstances of the case, and given the discussion *supra*, the learned Commissionerate of Inquiries (COI) is directed

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[2] (2005) 6 SCC 636
[3] (2012) 11 SCC 565

to conclude the inquiries, within six (06) months from today, failing which, the charge memo issued to the petitioner *vide* Tribunal Enquiry Case No.79 of 2013, dated 06.01.2017 (Ex.P1), shall stand quashed automatically without reference to any further orders.

Learned Assistant Government Pleader for Services shall intimate/inform the learned Commissionaire of Inquiries about the order passed by this Court.

11. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

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

//TRUE COPY//

SD/- K. TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Excise) Department, State of AP, A.P. Secretariat, Velagapudi, Guntur District.
2. The Commissioner of Proh and Excise Department, State of Andhra Pradesh, R/o. 88-2B, Sai Vihar Apartments, Poultry Farm Road, Prasadampadu (v) Vijayawada, N.T.R District.
3. One CC to Smt. Bugulu Sreeteja, Advocate [OPUC]
4. Two CCs to GP for Services I, High Court of Andhra Pradesh. [OUT]
5. Three C.D. Copies.

Cnr

HIGH COURT

DATED:03/01/2025

ORDER

WP.No.31562 of 2024



DISPOSING THE W.P.
WITHOUT COSTS