APHC010501612026

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

FRIDAY, THE 9th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 27850/2026

Between:

1. S NAGABUSHANAM, S/O. LATE KISHTAYA, AGED ABOUT 68 YEARS, RETIRED AS INCHARGE ENGINEER-IN-CHIEF, R B DEPARTMENT, ERRAMANZIL, HYDERABAD. R/O. FLAT NO.401, A-BLOCK, TRENDSET GRANDE APARTMENT, D.NO.6-3-252, AZAMJAHA BHADUR, ERRUMANZIL, HYDERABAD.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, rep. by its Principal Secretary to Government, Tribal Welfare (Ser.A1) Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District-522238.

...RESPONDENT

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 topleased to issue a writ order or direction more particularly one in the nature of WRIT OF Mandamus declaring the action of the respondent No. 1 in initiated the departmental action against the Petitioner vide impugned G.O.Rt.No. 506, Tribal Welfare (Ser.A1) Dept., dated 06/12/2017 and G.O.Rt.No.507, Tribal Welfare (Ser.A1) Dept., dated 06/12/2017 after bifurcation of the State of Andhra Pradesh dated 01.06.2014 and after retirement of the Petitioner dated 30.06.2016 without communicating or concluding the Departmental Proceedings in terms of G.O.Ms.No. 679 (GAD) Department 01.11.2008 even after lapse

of 9 years is highly illegal, arbitrary, discrinniantory, without any power or jurisdiction and contrary to the law laid down by the Hon'ble Apex Court hence the impugned G.Os are liable to be set aside and consequently direct the respondent authorities to close / withdraw the impugned G.Os in terms of the G.O.Ms.No. 679 (GAD) Department 01.11.2008 and in view of the Rule 9 (2) (b) of the Revised Pension Rules and law laid down by the Hon'ble Apex Court 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 pleased to suspend the impugned G.O.Rt.No. 506, Tribal Welfare (Ser.A1) Dept., dated 06/12/2017 and G.O.Rt.No.507, Tribal Welfare (Ser.A1) Dept., dated 06/12/2017, pending disposal of the Writ Petition and pass

Counsel for the Petitioner:

1. K SATYANARAYANA MURTHY

Counsel for the Respondent:

1. GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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ORDER:

1. The present Writ Petition is filed questioning the action of the Respondent-Authorities in initiating the departmental enquiry against the Petitioner vide G.O.Rt.No.506, Tribal Welfare (Ser.A1) Department, dated 06.12.2017, and G.O.Rt.No.507, Tribal Welfare (Ser.A1) Department, dated 06.12.2017, pursuant to the bifurcation of the erstwhile State of Andhra Pradesh, as illegal and arbitrary.

2. The facts in brief are as follows:-

The Petitioner was initially appointed as Deputy Executive Engineer (R&B) by way of direct recruitment through the Andhra Pradesh Public Service Commission in the year 1982. Thereafter, the Petitioner was promoted to the posts of Executive Engineer (R&B), Superintending Engineer, and Chief Engineer (Regular) in the years 1991, 2004, and 2010, respectively. While the Petitioner was working as Chief Engineer in the R&B Department, he was also posted as Engineer-in-Chief (In-charge) in the Tribal Welfare Department on a deputation basis in the month of June 2010 and continued in the said post till June 2013. Thereafter, the Petitioner was repatriated to his parent department.

3. After the bifurcation of the erstwhile State of Andhra Pradesh, the Petitioner was allotted to the State of Telangana and retired from service as Chief Engineer (R&B) in the State of Telangana on 30.06.2016. The said fact is mentioned in G.O.Rt.No.580, Transport, Roads and Buildings (SER R&B) Department, dated 17.12.2015, issued by the Government of Telangana. After the retirement of the Petitioner, the State Government of Andhra Pradesh initiated a departmental enquiry against the Petitioner vide G.O.Rt.No.506, Tribal Welfare (Ser.A1) Department, dated 06.12.2017, wherein two articles of charge were framed against the Petitioner. The Article of Charge-1 alleges that the Petitioner had failed to scrutinize the proposals for EOAT submitted by the Executive Engineer through the Superintending Engineer and was responsible for granting EOAT without imposing liquidated damages, thereby causing loss to the Government. Article of charge – II allies with the Article of charge – I. On account of the pending departmental enquiry, the retirement benefits of the Petitioner were not being processed or disbursed. Hence, the present Writ Petition is filed.

4. Learned Assistant Government Pleader for Services on instructions submitted that the departmental enquiry was initiated

against the Petitioner on account of his services performed while in the erstwhile state of Andhra Pradesh.

5. Heard Sri K. Satyanarayana Murthy, learned counsel for the Petitioner as well as learned Assistant Government Pleader for Services.

6. After the bifurcation of the erstwhile State of Andhra Pradesh, the Petitioner was allotted to the State of Telangana and retired from service on 30.06.2016. The Petitioner was not an employee of the State of Andhra Pradesh, and the Department has no disciplinary control over him. In the absence of such disciplinary control, the initiation of a departmental enquiry vide the impugned G.Os. cannot be sustained. A similar view was also taken by a Division Bench of the High Court of Telangana in W.P.No.33948 of 2025 vide its orders, dated 06.08.2026. In view of the same, this Writ Petition is allowed with the following directions: -

(i) The impugned proceedings issued vide G.O.Rt.No.506, Tribal Welfare (Ser.A1) Department, dated 06.12.2017, and G.O.Rt.No.507, Tribal Welfare (Ser.A1) Department, dated 06.12.2017 are quashed.

7. No order as to costs.

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

JUSTICE NYAPATHY VIJAY

Date: 09.10.2026
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Dated:09.10.2026

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