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APHC010528632026

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

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 28759 OF 2026

Between:

1. KOVELA VIJAY KUMAR, S/o Thaviti Naidu, 34 yrs, Police Constable 2863. Gunadala p.s. Vijayawada City

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary. Home Department, Secretariat, Govt. of A.P, Velagapudi-522237

2. The Commissioner of police, Vijayawada City 520001

3. The Assistant Commissioner of police, Disha P.S. Vijayawada City. 520001

...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 quash or issue appropriate Writ, Order or direction, more particularly in the nature of Writ of Mandamus

declaring the action of the Respondents in initiating parallel disciplinary proceedings vide C.No.37/PR/2021 dated 17.09.2026, office of the Assistant Commissioner of Police, Mahila Pollice Station, Vijayawada city, while criminal case is in trial vide CC No.493/2021 of JMFC, Rajam is pending against the petitioner with identical and same set of facts is arbitrary, illegal, unjust, unfair, unreasonable, violative of Articles 14, 16 and 21 of Constitution of India and consequently to quash the disciplinary proceedings initiated vide C.No. 37/PR/2021 Office of the Assistant Commissioner of Police, Mahila police station, Vijayawada city, date 17.09.2026.

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 stay of all the further disciplinary proceedings against the petitioner initiated vide Memo. In C.No.37/PR/ 2021 Dated 17.09.2026 of the Assistant Commissioner of Police, Disha PS, Vijayawada city, till the completion of criminal proceedings vide CC.No.493/2021 on the file of Judicial Magistrate of First Class, Rajam, Srikakulam District pending disposal of the writ petition on the file of this Hon'ble court and may

Counsel for the Petitioner: GALLA RAMA KOTESWARA RAO

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following order:

Whether the order is :

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.28759 of 2026

ORDER:

1. The present Writ Petition is filed questioning the action of Respondents in initiating parallel disciplinary proceedings *vide* C.No.37/PR/2021, dated 17.09.2026 while the criminal case trial in C.C.No.493/2021 on the file of the Judicial Magistrate of First Class, Rajam, is pending against the Petitioner, as illegal and arbitrary.

2. The Petitioner is now working as Police Constable in Gunadala Police Station, Vijayawada City. While the Petitioner was on leave from 10.06.2021 to 23.07.2021, a criminal case was registered against him vide Cr.No.122/2021 on the file of Santhakaviti P.S., on 08.07.2021 and the same was numbered as C.C.No.490/2021 on the file of Judicial Magistrate of First Class, Rajam. While the criminal case is pending, Respondent No.2 has issued a Charge-Memorandum to the Petitioner on 26.09.2023 framing a solitary Charge alleging that the Petitioner exhibited grave misconduct and misbehavior and involved in Cr.No.123/2021, which was registered for the offences punishable under Sections 324, 323 R/w 34 IPC on the file of Santhakaviti P.S.,

3. The Article of Charge and the facts in the criminal case are similar and identical. Respondent No.3 has issued the impugned proceedings

Memo in C.No.37/PR/2021, dated 17.09.2026 directing the Petitioner to attend the oral enquiry. It is stated that the evidence in both the proceedings is substantially similar and hence the present Writ Petition is filed seeking to stay the disciplinary enquiry.

4. The learned Assistant Government Pleader appearing for the Respondents on instructions submits that the Petitioner is not entitled for any relief, as there is no illegality and violation of principles of natural justice in ordering departmental enquiry as the Charge against the Petitioner is grave in nature.

5. In the case on hand, the departmental proceedings were initiated against the Petitioner based on his involvement in Cr.No.123/2021 on the file of Santhakaviti P.S., on 08.07.2021 and the same was numbered as C.C.No.490/2021 on the file of Judicial Magistrate of First Class, Rajam. The list of witnesses mentioned in Annexure-IV and the list of witnesses in the charge-sheet are mostly similar. In the circumstances, if the disciplinary proceedings are allowed to continue, the Petitioner is required to divulge his defence and it will cause prejudice to the Petitioner.

6. In **State Bank of India v. Neelam Nag**[1], the Hon'ble Apex Court issued directions to the Sessions Court to complete the criminal trial as expeditiously as possible not later than one year from the date of the

[1] (2016) 9 SCC 491

order. In the light of the Judgment of the Hon'ble Apex Court in **State Bank of India's** case, this Court deems it appropriate to stay the departmental proceedings, for one year.

7. Accordingly, the departmental proceedings initiated against the Petitioner shall remain stayed for one year. The Judicial Magistrate of First Class, Rajam shall complete the trial in the above C.C.No.493 of 2021, as expeditiously as possible, preferably, within one (1) year, since the departmental proceedings initiated are stayed, pending disposal of the criminal case. It is needless to mention here that the Petitioner shall co-operate during the trial of the criminal case without asking for adjournments.

8. The Petitioner shall file a copy of this order before the concerned Court for expeditious disposal of the criminal case.

9. With the above observations, the Writ Petition is disposed of, at the admission stage.

10. No order as to costs.

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

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JUSTICE NYAPATHY VIJAY

Date: 06.10.2026

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.28759 of 2026

Dated: 06.10.2026

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