APHC010531152026

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

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 28891/2026

Between:

R. Annapurnaiah, **...PETITIONER**

AND

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

Counsel for the Petitioner:

1. T S N SUDHAKAR

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

Writ Petition No.28891 of 2026

ORDER:

In the present Writ Petition, the Petitioner is questioning the Charge Memorandum issued vide G.O.Rt.No.247 Social Welfare (Vigilance) Department, dated 09.12.2024, proposing to conduct an enquiry under Rule 20 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991, as illegal and arbitrary.

2. The Petitioner was initially appointed as Hostel Welfare Officer Grade-II in the year 1986 and thereafter, the Petitioner had retired from service on 30.06.2019 on attaining the age of superannuation.

3. While so, the ACB Authorities registered a case against the Petitioner vide FIR No.09/RCA-EWG/207, dated 15.07.2017 for the offences punishable under Section 13 (2) r/w 13 (1) (e) of Prevention of Corruption Act, 1988. After completion of the investigation, the ACB Authorities filed Charge Sheet before the jurisdictional Court, and the same was numbered as C.C.No.23 of 2024 on the file of Special Judge for trial of SPE & ACB cases at Rajamahendravaram, East Godavari. The said case is pending.

4. While so, the impugned departmental proceedings dated 09.12.2024 were initiated vide G.O.Rt.No.247 Social Welfare (Vigilance) Department. Questioning the same, the present Writ Petition is filed.

5. Learned counsel for the Petitioner submitted that the impugned Charge Memorandum is contrary to Rule 9 (2) (b) (ii) of the A.P. Revised Pension Rules, which provides an outer limit of 4 years from the date of incident as the period of limitation within which the Charge Memorandum can be issued and the

impugned charge memorandum cannot be sustained as it is issued beyond four years from the date of incident.

6. Learned Assistant Government Pleader for Services submitted that the impugned charge memorandum is issued against the Petitioner with respect to acquisition of disproportionate assets and an enquiry is required to be conducted to arrive at a final conclusion.

7. Heard the counsels.

8. The Articles of Charges framed against the Petitioner as under:

CHARGE-1:

That Sri Ravipati Annapurnalah, S/o. Kameswara Rao, Hostel Welfare Officer, Grade-II (Rtd.), Integrated Social Welfare Hostel Complex for Boys, Yetigattu, Eluru, Eluru District failed to obtain prior permission from the Competent Authority to acquire the movable and immovable properties Assets item No.1 to 11, 13 to 17, 20, 21 of immovable properties and item No. 25 movable properties mentioned in his name and the names of his family members from 01.01.1994 to 17.07.2017 and thereby violated Rule 9(1) & 9 (2) of APCS (Conduct) Rules, 1964 r/w Rule 9 of A.P Revised Pension Rules, 1980.

CHARGE-2:

That Sri Ravipati Annapurnaiah, S/o. Kameswara Rao, Hostel Welfare Officer, Grade-II (Rtd.), Integrated Social Welfare Hostel Complex for Boys, Yetigattu, Eluru, Eluru District failed to file annual property returns before the competent Authority from 01.01.1994 to 17.07.2017 and thereby violated Rule 9(7) of APCS (Conduct) Rules, 1964 r/w Rule 9 of A.P Revised Pension Rules, 1980.

9. As per Rule 9 (2) (b) of the Andhra Pradesh Revision Pension Rules, 1980, the disciplinary enquiry can be initiated within 04 years from the date of the incident. Rule 9 (2) (b) of the A.P. Revision Pension Rules, 1980, reads as under:

9. Right of Government to withhold or withdraw pension:

(2) (b) The Departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment:

(i) Shall not be instituted save with the sanction of the Government;

(ii) Shall not be in respect of any event which took place more than four years before such institution:

(iii) Shall be conducted by such authority and in such place as the State Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government Servant during his service.

10. As per the above provision, no enquiry can be initiated against a retired employee with reference to the event which is four years prior to the date of issuance of the Charge Memorandum. In the present case, the allegation is that the Petitioner had failed to obtain prior permission for acquisition or disposal of immovable properties and assets in his name and in the names of his family members for the years 1994-2017. The limitation for the purpose of Rule 9 (2) (b) (ii) would be from 2017-18 onwards and as the impugned Charge Memorandum was issued in 2024, the same is barred by time.

11. A similar view was taken by the Hon'ble Supreme Court while considering a similar provision i.e., Regulation 351-A of Civil Services Regulations in, ***State of U.P. v. Shri Krishna Pandey***[1]***,*** wherein it was held that the incident of loss or misconduct should have happened four years from the date of institution of the proceedings. Therefore, this Court, without expressing any opinion on the correctness of the allegations made against the Petitioner in the Criminal Case, is inclined to allow the Writ Petition.

[1] (1996) 9 SCC 395

12. Accordingly, the Writ Petition is allowed with the following directions:-

(i). The impugned Charge Memorandum issued vide G.O.Rt.No.247 Social Welfare (Vigilance) Department, dated 09.12.2024, is hereby quashed.

(ii). There shall be no order as to costs.

As a sequel, the miscellaneous petitions if any shall stand dismissed.

JUSTICE NYAPATHY VIJAY

Date : 06.10.2026

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WP No.28891 of 2026

Dt.06-10-2026

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