APHC010531512026

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: 28901/2026

Between:

1. KAKARLA NAGESWARA RAO, KAKARLA NAGESWARA RAO, S/O. K. RAMACHANDRA RAO (LATE), AGED 68 YEARS, OCC JOINT COLLECTOR-2 (SPECIAL GRADE DEPUTY COLLECTOR) (RETIRED),. VIZIANAGARAM COLLECTORATE, VIZIANAGARAM DISTRICT, R/IO. FLAT.NO. 511 AND 514 SAL ENCLAVE, VIZIANAGAR PALACE LAYOUT, PEDAVALTAIR, VISAKHAPATNAM, VISAKHAPATNAM DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT-522238.
2. THE CHIEF COMMISSIONER OF LAND ADMINISTRATION, STATE OF A.P., MANAGALAGIRI, GUNTUR DISTRICT-522503.

...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 toissue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the

impugned action of the 1st respondent issued the impugned charge memo to initiated the Departmental proceedings against the petitioner vide G.O.Rt.No. 512 Revenue (Vigilance-I) Department dated 18.07.2024 is highly illegal, arbitrary, unjust, improper, without jurisdiction and contrary to Rule 9 (2) (b) (ii) of AP Revised Pension Rules, 1980 and contrary to orders of this Hon'ble Court and violation of Article 14, 16 AND 21 of the Constitution of India apart from violation Principles of Natural Justice and set aside the same

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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 further enquiry against the petitioner by suspend the impugned order vide G.O.Rt.No. 512 Revenue (Vigilance-I) Department dated 18.07.2024 issued by the 1st respondent pending disposal of the above writ petition

Counsel for the Petitioner:

1. T S N SUDHAKAR

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

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ORDER:

1. The present Writ Petition is filed questioning the action of Respondent-Authorities in initiating departmental proceedings against the Petitioner vide G.O.Rt.No.512, Revenue (Vigilance-I) Department, dated 18.07.2024, as illegal and arbitrary.

2. The facts leading to filing of the present Writ Petition are as follows:-

The Petitioner was initially appointed as a Deputy Tahsildar in the year 1990 and was subsequently promoted to the posts of Tahsildar, Deputy Collector and Special Grade Deputy Collector in the years 1994, 2003 and 2010, respectively. After serving for more than 25 years, the Petitioner retired from service as Joint Collector-2 (Special Grade Deputy Collector) from the office of the Vizianagaram Collectorate on 31.05.2018, upon attaining the age of superannuation.

3. While so, a Charge Memorandum was issued to the Petitioner on 18.07.2024 *vide* G.O.Rt.No.512, Revenue (Vigilance-I) Department, dated 18.07.2024 with regard to

acquisition of disproportionate assets. Questioning the impugned charge memorandum referred to above, the Writ Petition is filed.

4. 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.

5. 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.

6. Heard the counsels.

7. 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. <u>Right of Government to withhold or withdraw pension</u> :

(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) <u>shall not be in respect of any event which took place more than four years before such institution;</u>

(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.

8. As per the above provision, no enquiry can be initiated against a retired employee with reference to an incident that occurred four years prior to the date of issuance of the Charge Memorandum. In the present case, the allegations are that the Petitioner, while working as Tahsildar, Deputy Collector and Special Grade Deputy Collector from 16.02.1995 to 18.04.2018, did not obtain permission from the competent authority to acquire immovable properties in his name and in the names of his family members, did not give intimation to the competent authority regarding the transactions pertaining to the movable assets purchased in his name, failed to submit annual property returns to the competent authority throughout his service, and failed to

submit information in Forms I to VI. The impugned charge memorandum was issued after retirement of Petitioner on 18.07.2024 and there is a delay of more than 04 years in issuing the Charge Memorandum from the date of retirement of Petitioner on 31.05.2018. In view of Rule 9(2)(b)(ii) of A.P Revised Pension Rules, 1980, the charge memorandum cannot be sustained.

9. In fact, the Rule 9(2)(b)(ii) provides four (04) years as outer limit from the date of event and 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.

10. Therefore, the Writ Petition is allowed, with following directions:-

(i). The impugned Charge Memorandum issued *vide* G.O.Rt.No.512, Revenue (Vigilance-I) Department, dated 18.07.2024 is quashed.

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[1] ***(1996) 9 SCC 395***

(ii). The Respondents shall pay the Retirement Benefits due to the Petitioner.

11. There shall be no order as to costs.

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

JUSTICE NYAPATHY VIJAY

Date: 06.10.2026
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Dated 06.10.2026

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