APHC010536052026

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: 29315/2026

Between:

1. DAGANI VINOD KUMAR,, S/O. LATE KANTHA RAO, AGED 48 YEARS, OCC SERVICE PANCHAYAT SECRETARY (GRADE-I), R/O. SATRAMPADU TOWN AND MUNICIPALITY, ELURU, ELURU DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522237.
2. THE COMMISSIONER, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, ANDHRA PRADESH GOVERNMENT, O/O. FJC8 PLUS P7G, NH 16 SERVICE ROAD, TADEPALLI, GUNTUR DISTRICT - 522501.
3. THE DISTRICT COLLECTOR PANCHAYAT WING, ELURU DISTRICT AT ELURU - 534001.
4. THE DISTRICT PANCHAYAT OFFICER, ELURU DISTRICT AT ELURU - 534001.
5. THE DIVISIONAL PANCHAYAT OFFICER, ELURU DIVISION, ELURU DISTRICT - 534001.
6. THE DEPUTY CHIEF EXECUTIVE OFFICER, PARISHAD (ZPP),

ELURU DISTRICT, ERSTWHILE WEST GODAVARI DISTRICT - 534001.

7. THE MANDAL PARISHAD DEVELOPMENT OFFICER MPDO, ELURU MANDAL, ELURU DISTRICT ERSTWHILE WEST GODAVARI DISTRICT - 534001.

...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 action of Respondents, in particular the 2nd Respondent, in not considering petitioner's case for promotion to the post of Deputy Mandal Parishad Development Officer (Deputy MPDO) along with his immediate juniors and batchmates, who were promoted vide the DPC orders issued in November 2025, solely on account of the pendency of the disciplinary proceedings initiated vide Charge Memo No. 7387/CPR and RD/B1/2013-2, dated 23.02.2015 and Charge Memo No. 6174/CPR and RD/B1/2017-1, dated 03.10.2017, which have remained inconclusive for more than eleven years and nearly nine years respectively without any fault on petitioner's part, as illegal, arbitrary, unjust, violative of the principles of natural justice and of Articles 14, 16 and 21 of the Constitution of India and settled principles of service jurisprudence and consequently direct the Respondents 1 to 4 to promote him to the post of Deputy MPDO notionally and retrospectively with effect from the date on which petitioner's immediate junior was promoted in November 2025, without reference to the pendency of the aforesaid disciplinary proceedings

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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 direct the Respondents 1 to 4 to consider petitioner’s case for promotion to the post of Deputy MPDO notionally and retrospectively with effect from the date on which his immediate junior was promoted in November 2025, without reference to the pendency of the disciplinary proceedings initiated vide Charge Memo No. 7387/CPR & RD/B1/2013-

2, dated 23.02.2015 and Charge Memo No. 6174/CPR & RD/BI/2017-1, dated 03.10.2017, pending disposal of main writ petition

Counsel for the Petitioner:

1. PALA KARTHI KIRAN

Counsel for the Respondent(S):

1. GP FOR SERVICES III

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.29315 of 2026

ORDER:

1. The present Writ Petition is filed questioning the action of Respondent-Authorities in not considering the case of the Petitioner for promotion to the post of Deputy Mandal Parishad Development Officer (Deputy MPDO), on account of pendency of departmental enquiries initiated against him vide Charge Memo No.7387/CPR&RD/B1/2013-2, dated 23.02.2015 and Charge Memo No.6174/CPR&RD/B1/2017-1, dated 03.10.2017, as illegal and arbitrary.

2. The Petitioner is presently working as Panchayat Secretary (Grade-I) and is due for promotion to the post of Mandal Parishad Development Officer (for short, 'Deputy MPDO'). While so, a charge memorandum was issued to the Petitioner on 23.02.2015, wherein the solitary article of charge framed against the Petitioner alleges that the Petitioner, while working as Panchayat Secretary (Grade-I) in Sanivarapupeta Gram Panchayat, had shown negligence in discharging his legitimate duties in the distribution of old-age, widow and disabled pensions and, due to the same, had allowed the FINO to misappropriate the funds for the month of December 2012.

3. Later, another charge memorandum was issued to the Petitioner on 03.10.2017, wherein three articles of charge were framed, alleging that the Petitioner, while working as Panchayat Secretary of Venkatapuram Gram Panchayat, was responsible for the misappropriation of Rs.7,82,622/- during the years 2014-15 and 2015-16. It was submitted that the delay in concluding the above-stated departmental enquiries is causing hardship to the Petitioner and leading to non-consideration of his case for promotion to the post of Deputy MPDO, while the juniors of the Petitioner are being promoted to the said post. Hence, the present Writ Petition is filed.

4. Learned Assistant Government Pleader for Services passed on the instructions of the Commissioner, PR and RD, wherein it was stated that the departmental enquiries initiated against the Petitioner would be concluded within a period of eight weeks. It was also stated that, after the conclusion of the departmental enquiries, the case of the Petitioner for promotion to the post of Deputy MPDO would be considered.

5. Heard Sri Pala Karthi Kiran, learned counsel for the Petitioner as well as learned Assistant Government Pleader.

6. In the light of the written instructions, this Writ Petition is disposed of, with the following directions:-

(i) The Respondent-Authorities are directed to pass final orders with respect to the above referred departmental enquiries initiated against the Petitioner, within a period of eight weeks from today.

(ii) In default, the case of the Petitioner for promotion to the post of Deputy MPDO would be considered, without reference to the above referred charge memorandums.

7. No order as to costs.

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

JUSTICE NYAPATHY VIJAY

Date: 09.10.2026
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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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Dated:09.10.2026

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