APHC010536582026

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

THURSDAY, THE 8th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 29183/2026

Between:

1. M UDAY KUMAR, S/O. M. VENKATESWARA RAO (LATE), AGED 65 YEARS, OCC ASSISTANT ENGINEER (RWS AND S) (RETIRED), O/O. RWS SUB-DIVISION, KOYYALGUDEM, ELURU DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RUAL DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT-522238.
2. THE ENGINEERINCHIEF, STATE OF A.P, RURAL WATER SUPPLY AND SANITATION (RWS AND S), MANGALAGIRI, GUNTUR DISTRICT-522503.
3. THE SUPERINTENDENT ENGINEER, RURAL WATER SUPPLY AND SANITATION (RWS AND S) DEPARTMENT, ELURU, ELURU DISTRICT-534001.
4. THE EXECUTIVE ENGINEER, RURAL WATER SUPPLY AND SANITATION (RWS AND S) DEPARTMENT, ELURU DIVISION, ELURU 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 the respondents not releasing the Annual Grade Increments for the years 2015 and 2016 (Two years) to the petitioner as highly illegal, arbitrary, unjust, improper, violative of the provisions of Fundamental Rules and contrary to the orders of this Honible Court apart from violative of Article 14, 16 and 21 of the Constitution of India and consequently direct the respondents to release the Annual Grade Increments for the years 2015 and 206 (Two years) in terms of the orders of this Hon'ble Court in W.P.No. 9228 of 2021 dated 13.07.2021 and W.P.No. 36534 of 2025 dated 31.12.2025

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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 to release the Annual Grade Increments for the years 2015 & 2016 (Two years) in pursuance of the orders of this Hon'ble Court in W.P.No. 9228 of 2021 dated 13.07.2021 & W.P.No. 36534 of 2025 dated 31.12.2025 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 III

The Court made the following:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.29183 of 2026

ORDER:

1. The present Writ Petition is filed questioning the action of the Respondents in not releasing the annual grade increments due to the Petitioner for the years 2015 and 2016 and to declare the same as illegal and arbitrary.

2. The Petitioner was initially appointed as Technical Work Inspector in the year 1984 and was promoted to the post of Assistant Engineer in the year 2008. Thereafter, he was retired from service on attaining the age of superannuation on 30.06.2024. While the Petitioner was working as Assistant Engineer in Geelugumilli Mandal of RWS and S, Koyyalagudem, Eluru District, he was placed under suspension w.e.f. 01.10.2014 in connection with an ACB case registered in Crime No.14/RCT-EWG/2014, dated 01.10.2014 for the offenses punishable under Sections 7, 13(2) r/w 13(1) of the Prevention of Corruption Act, 1988. On 21.10.2016, the suspension of the Petitioner was revoked *vide* Memo No.16589/Vig.VI/2014-2, dated 21.10.2016. As annual increments were not sanctioned for the years 2015 and 2016, the present Writ Petition is filed.

3. Learned counsel for the Petitioner relied upon Order passed by the Division Bench of this Court in W.P. No. 6617 of 2004, dated 04.11.2004 and similar Orders passed by this Court in W.P.No.9228 of 2021, dated 13.07.2021, W.P.No.4553 of 2021, dated 24.02.2021 and W.P.No.15504 of 2009, dated 16.04.2015 and W.P.No.36534 of 2025, dated 31.12.2025. This Court in similar circumstances had directed the Respondent-Authorities to sanction the annual grade increments after referring to the provisions of F.R.24.

4. Learned Assistant Government Pleader appearing for the Respondents would submit that the representation of the Petitioner for the purpose as sought would be considered by the Respondent-authorities and an appropriate decision would be taken.

5. Heard both the counsel.

6. The Division Bench of this Court in W.P.No.6617 of 2004 was considering the case of an individual seeking subsistence allowance after factoring in the annual grade increments. The Andhra Pradesh Administrative Tribunal had directed that the subsisting allowance be paid after taking into account the annual increments. In the Writ Petition filed by the State, the Division Bench of this Court, after

referring to the provisions of F.R.24, held that unless an order of withholding increments is passed, the same cannot be withheld.

7. The said principle was followed in series of Judgments of this Court in W.P.Nos.9228 of 2021, 4553 of 2021 and 18004 of 2022.

8. In that view, the present Writ Petition is allowed declaring the action of the Respondents in withholding the annual grade increments for the years 2015 and 2016 as illegal, and consequently, the Respondent-authorities are directed to release the annual grade increments due to the Petitioner for the years 2015 and 2016 within a period of one (01) month from the date of receipt of a copy of this order.

9. There shall be no order as to costs.

10. As a sequel, the miscellaneous petitions, if any, pending in this Petition shall stand closed.

NYAPATHY VIJAY, J

Date: 08.10.2026
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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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