APHC010548272026

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

TUESDAY, THE 13th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 29876 OF 2026

Between:

1. Dayam. Bhaskara Kumar,, S/o. Joseph (Late), Aged 62 years, Occ Office Superintendent, (Retired) 0/0. District Medical and Health Officer, Srikakulam, Srikakulam District.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep by its Principal Secretary, Health, Medical and Family Welfare Department, Secretariat, Velagapudi, Guntur District. 522238

2. The Director of Public Health and Family Welfare, BSNL Bhavan, Opp. Chuttukunta, Eluru Road, Vijayawada, Krishna District-521225

3. The Regional Director Medical and Health Services, Zone-I, Visakhapatnam-530013

4. The District Medical and Health Officer, Srikakulam District. 532001

...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 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 from the year 2017, 2018, 2019, 2020 and 2021 (05 years) as highly illegal, arbitrary, unjust, improper, violative of the provisions of Fundamental Rules and contrary to the orders of this Hon'ble 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 from the year 2017, 2018, 2019, 2020 and 2021 (05 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

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 direct the respondents to release the Annual Grade Increments from the year 2017, 2018, 2019, 2020 & 2021 (05 years) in pursuance 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 pending disposal of the above writ petition

Counsel for the Petitioner: BALA RAMESH YALAVARTHI

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following order:

Whether the order is :

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

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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 2017 to 2021 and to declare the same as illegal and arbitrary.

2. The Petitioner was initially appointed as Typist in the year 1986. Thereafter, he was retired from service on attaining the age of superannuation on 31.01.2026. While the Petitioner was working as Office Superintendent at Andhra Medical College, Visakhapatnam District, he was placed under suspension vide Progs.Rc.No.449/B1/2017, dated 05.05.2017 in connection with an ACB case registered for disproportionate assets in FIR.No.10/RCA-ACB/VSP/2017, dated 25.04.2017 for the offenses punishable under Sections 13(2)(e) R/w 13(1)(e) of the Prevention of Corruption Act, 1988. On 24.03.2021, the suspension of the Petitioner was revoked *vide* Rc.no.449/B1/2017 dated 07.04.2021, Regional Director of Medical and Health Services, Visakhapatnam. As annual increments were not sanctioned for the years 2017 to 2021, 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

2017 to 2021 as illegal, and consequently, the Respondent-authorities are directed to release the annual grade increments due to the Petitioner for the years 2017 to 2021 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.

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

NYAPATHY VIJAY, J

Date: 13.10.2026
KKV

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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Date: 13.10.2026

KKV

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE: WRIT PETITION No.29876 of 2026

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
01.	13.10.2026	**VN, J** The Writ Petition is allowed. (vide separate order) b/o KKV	