APHC010556352026

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

MONDAY, THE 26th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 30809/2026

Between:

Chakka Raja Kullayappa **...PETITIONER**

AND

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

Counsel for the Petitioner:

1. POODATTU AMARENDER

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.30809 of 2026

ORDER:

1. The present Writ Petition is filed questioning departmental enquiry initiated against the Petitioner vide G.O.Rt.No.152 Backward Class Welfare Department, dated 03.12.2025 by Respondent No.1, as barred by time and contrary to Rule 9(2)(b)(ii) of Andhra Pradesh Revised Pension Rules, 1980.

2. The Petitioner had retired from his service as Assistant B.C. Welfare Officer in the Tribal Welfare Department upon attaining the age of superannuation of 62 years on 31.05.2025. While so, the impugned Charge Memorandum, dated 03.12.2025 was issued to the Petitioner under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, on the ground that, while the Petitioner was in service, the Anti-Corruption Bureau conducted a search on the Petitioner in the year 2017 with regard to acquisition of disproportionate assets to his known sources of income. Questioning the impugned Charge Memorandum, the Writ Petition is filed.

3. The only ground urged by the learned counsel for the Petitioner is 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. In this case, the incident occurred in the year 2017 and Charge Memorandum was issued on 03.12.2025, i.e., more than 8 years from the date of incident.

4. Learned Assistant Government Pleader for Services submitted that the Departmental Enquiry was initiated within the period of (04) years from the date of retirement.

5. Heard the counsels.

6. The Articles of Charges framed against the Petitioner are as follows:

Charge 1:

That the Government Servant during the check period from 01.05.2001 to 31.12.2010 by indulging in corrupt practices has acquired and is in possession of Disproportionate Assets worth Rs.57,39,720/- to his known sources of legal Income of Rs.52,43,536/- in his name and in the names of his dependent family members and the Government Servant could not explain satisfactorily and thereby violated 3 (1) & (2) of the APCS (Conduct) Rules, 1964.

Charge 2:

That the Government Servant had acquired immovable properties noted in items Nos.1 to 4 of the list of assets in his name and the name of his family members and item No.7 of Expenditure without obtaining permission from the competent authority and thereby violated Rule 9 (1) of the APCS (Conduct) Rules, 1964.

Charge 3:

That the Government Servant had not informed about the transactions pertaining to the movable property noted in the item No.12 and 13 in the list of assets in his name to the competent authority and thereby violated Rule 9 (2) of the APCS (Conduct) Rules, 1964.

Charge 4:

That the Government Servant has not submitted APRS every year during his service and the Government Servant submitted APRS in a bunch in the year 2015 for the period from 01.01.2009 to 31.12.2014 as per the reply furnished by the District BC Welfare Officer, Kadapa vide A1/A4/2018, Dt. 17.08.2019 and thereby violated Rule 9 (7) of the APCS (Conduct) Rules, 1964.

Thus, the Government Servant Sri Chakka Raja Kullayappa, Assistant BC Welfare Officer, O/o the Assistant BC Welfare Officer, Atmakur, Kurnool District by his above-mentioned acts exhibited a lack of integrity, devotion to duty, conduct unbecoming of the public servant and thereby contravened Rule 3 (1) (2), 9 (1) (2) & (7) of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The Petitioner had retired from his service on 31.05.2025. The Rule 9(2) (b) (ii) of the A.P. Revised Pension Rules, 1980 limits issuance of a charge memorandum to a retired employee regarding any incident that took place more than four years before such an institution. The Rule 9(2) (b) (ii) of the A.P. Revised Pension Rules, 1980 is extracted below:-

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.

8. The allegations in the impugned Charge Memorandum pertain to the year 2017. The articles of charge framed against the Petitioner alleging that the Petitioner acquired disproportionate assets to the tune of Rs.57,39,720/- and failed to obtain prior permission from the competent authority for purchasing movable and immovable properties and did not submit annual property returns during the years 2009 to 2014 etc. The impugned Charge Memorandum was issued after retirement of Petitioner on 31.05.2025 and there is a delay of more

than 08 years in issuing the Charge Memorandum from the date of incident. In view of Rule 9(2)(b)(ii) of A.P Revised Pension Rules, 1980, the charge memorandum cannot be sustained.

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

(i). The impugned Charge Memorandum issued *vide* G.O.Rt.No.152 Backward Class Welfare Department, dated 03.12.2025 are quashed.

(ii). The Respondent Authorities are directed to pay the Retirement Benefits due to the Petitioner.

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

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

JUSTICE NYAPATHY VIJAY

Date: 26.10.2026
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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.30809 of 2026

Dated: 26.10.2026

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