APHC010572982026

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

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

**WRIT PETITION NO: 31324/2026**

**Between:**

1. CHAYANAM SRINIVASA MURTHY, S/O. JWALA NARASIMHA RAO, AGED ABOUT 63 YEARS, OCC RETIRED PROH.AND EXCISE INSPECTOR, RIO. D.NO. 26-34- 33/B, 8TH LANE, A.T. AGRAHARAM, GUNTUR, GUNTUR DISTRICT 522004.

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE (EXCISE) DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI VILLAGE, GUNTUR DISTRICT 522237.
2. THE COMMSSIONER PROH AND EXCISE, A.P, MANAGALAGIRI, GUNTUR DISTRICT 522503.
3. THE DEPUTY COMMISSIONER PROH AND EXCISE, GUNTUR, GUNTUR DISTRICT- 522002.

**...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 topleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus

declaring the action of the respondents not sanctioned and releasing the Annual Grade Increment for the year 2011 under FR 22 B to the petitioner on the ground that the petitioner was placed under suspension as highly illegal, arbitrary, unjust, improper, violative of the provisions of Fundamental Rules and contrary to the orders of this Honble Court apart from violative of Articles 14,16 and 21 of the constitution of India and consequently direct the respondents to release the Annual Grade Increment for the year 2011 and pass

**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 pleased to direct the respondents to release the Annual Grade Increment for the year 2011, pending disposal of the above writ petition and pass

**Counsel for the Petitioner:**

1. NAGESWARA RAO CHAVA

**Counsel for the Respondent(S):**

1. GP FOR SERVICES I

**The Court made the following:**

**THE HON'BLE SRI JUSTICE NYAPATHY VIJAY**

**W.P.No.31324 of 2026**

**ORDER:**

1. The present Writ Petition is filed questioning the action of the Respondents in not releasing the annual grade increment due to the Petitioner for the year 2011 and to declare the same as illegal and arbitrary.

2. The Petitioner was initially appointed as Junior Assistant on 25.02.1982 and was promoted to the posts of Prohibition and Excise Sub-Inspector and Prohibition and Excise Inspector in the years 1996 and 2010, respectively. Thereafter, he retired from service on attaining the age of superannuation on 30.04.2025. While the Petitioner was working as Prohibition and Excise Inspector, Kovur, SPSR Nellore District, he was placed under suspension with effect from 06.08.2010 in connection with an ACB case registered for disproportionate assets in FIR No.13/CIU-HYD-2010, dated 06.08.2010, for the offences punishable under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988. On 01.04.2011, the suspension of the Petitioner was revoked by the Respondent-Authorities. As the annual increment for the year 2011 was not sanctioned, the present Writ Petition has been 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.

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. In the said case, 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 to quote a few.

8. In that view, the present Writ Petition is allowed declaring the action of the Respondents in withholding the annual grade increment for the year 2011 as illegal, and consequently, the Respondent-Authorities are directed to release the annual grade increment due to the Petitioner for the year 2011 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: 28.10.2026
chs

**THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

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**W.P.No.31324 of 2026**

Date: 28.10.2026

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