APHC010587612023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3573]
(Special Original Jurisdiction)

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 30368/2023

Between:

1. YELLISETTI SRINIVAS, S/O BUCHANNA, AGED 54 YRS , OCCOUNIOR ASSISTANT OFFICE OF DISTRICT MEDICAL AND HEALTH OFFICE , KAKINADA.
2. CHEGONDI ANANTHALAKSHMI, D/O (LATE) SURAYANARAYANA, AGED 39 YRS , SENIOR ASSISTANT PRIMARY HEALTH CENTRE U KOTHAPALLI KAKINADA EAST GODAVARI DISTRICT.
3. AKULA RAMACHANDRA RAO, S/O VEMLATAMARAUAMA AGED 39 YRS , MPHS(M) PRIMARY HEALTH CENTRE RAJANAGARAM RJAHMUNDR

...PETITIONER(S)

AND

1. THE STATE OF AP, REPRESENTED BY ITS PRINCIPAL SECRETARY(MEDICAL AND HEALTH) SECRETARIAT, VELAGAPUDI, AMARAVATHI.
2. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS DIRECTOR OF PUBLIC HEALTH SERVICES ,MANGALAGIRI, GUNTUR DISTRICT.
3. THE STATE OF ANDHRA PRADESH, REP., BY ITS DISTRICT MEDICAL AND HEALTH OFFICER (DMHO), KAKINADA , EAST GODAVARI DISTRICT.
4. THE REGIONAL DIRECTOR, MEDICAL 8IHEALTH SERVICES , ZONE -II- RAJAHMUNDRY
5. THE STATE OF ANDHRA PRADESH, THROUGH THE INSPECTOR OF POLICE C.I.D., REGIONAL OFFICE, RAJAMAHENDRAVARAM.

...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 to pass an Order to Issue a Writ or Order or Direction more particularly in the Nature of a Writ of Mandamus declaring the action of the Respondents in not releasing Special Grade Increments to the petitioners for the year 2016 and 2023 only on the ground of Criminal case C.C.No.4/2015 on the file of II Additional Judicial Magistrate of First Class at Kakinada in connection with Crime No.5/2013 of C.I.D.,P.S., A.P. where in it ended in clean acquittal as against the petitioners vide order dt.31.01.2023 without there being any order of punishment for withholding or postponing the same , as Illegal, arbitrary, unreasonable, discriminatory and Violative of F.R.24 of the A.P.Fundamental Rules, Violation of Article 14 and 21 of the Constitution of India , Violation of principles of natural justice and consequently direct the respondents 2 to 4 to release the Special Grade Increments to the petitioners for the year 2016 and 2023 in the interest of the justice and to pass

IA NO: 1 OF 2023

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 to pass an Order directing the respondents 2 to 4 to release the Special Grade Increments for the year 2016 and 2023 to the petitioners pending disposal of the main writ petition in the interest of the justice and pass

IA NO: 1 OF 2024

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 to grant leave to the 4th respondents to file counter affidavit in the WP No. 30368 of 2023 and to pass

Counsel for the Petitioner(S):

1. R SIVA SAI SWARUP

Counsel for the Respondent(S):

1. GP FOR SERVICES IV

The Court made the following:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

ORDER:

The Writ Petition is filed for the following relief:

> "…*to pass an Order to Issue a Writ or Order or Direction more particularly in the Nature of a Writ of Mandamus declaring the action of the Respondents in not releasing Special Grade Increments to the petitioners for the year 2016 and 2023 only on the ground of Criminal case C.C.No.4/2015 on the file of II Additional Judicial Magistrate of First Class at Kakinada in connection with Crime No.5/2013 of C.I.D.,P.S., A.P. where in it ended in clean acquittal as against the petitioners vide order dt.31.01.2023 without there being any order of punishment for withholding or postponing the same , as Illegal, arbitrary, unreasonable, discriminatory and Violative of F.R.24 of the A.P.Fundamental Rules, Violation of Article 14 and 21 of the Constitution of India , Violation of principles of natural justice and consequently direct the respondents 2 to 4 to release the Special Grade Increments to the petitioners for the year 2016 and 2023 in the interest of the justice and to pass*…"

2. Heard Sri Leela Sai Sampath, learned counsel representing Sri R.Siva Sai Swarup, learned counsel for the petitioners and Sri K.Varun Shyam Kumar, learned Assistant Government Pleader for Services-IV.

3. The case of the petitioners, in brief, is that the petitioners are permanent employees working under the Medical & Health Department, East Godavari District, working since 1993 onwards, the 1st petitioner as Junior Assistant, Office of the District Medical & Health Officer, Kakinada, the 2nd petitioner as Senior Assistant, and the 3rd petitioner as M.P.H.S.(M), PHC, Rajanagaram, Rajahmundry, all under the control of the 2nd respondent. While so, crime No.5 of 2013 was registered by the CID, A.P., under Sections 468, 471 and 420 IPC, later numbered as C.C.No.4 of 2015 before the learned II Additional Judicial Magistrate of First Class, Kakinada; however, respondents 2 to 4 neither issued charge memos nor initiated departmental proceedings, but withheld the petitioners' annual grade increments from 2013 solely on account of pendency of the criminal case. The petitioners, upon facing trial, were acquitted by a clean acquittal *vide* order dated 31.01.2023. Thereafter, they

approached respondent Nos.2 to 4 and sought release of the withheld Special Grade Increments for 2016 and 2023, but were informed that the 5th respondent had preferred Criminal Appeal No.292 of 2023 before the learned VI Additional District & Sessions Judge, Kakinada. Hence the Writ Petition.

4. Learned counsel for the petitioners submits that no departmental proceedings have been initiated against the petitioners. He further submits that in the absence of any departmental enquiry, charge memo or punishment, the respondents have no authority to withhold their increments merely due to pendency of the criminal case. Hence, he prays to allow this Writ Petition.

5. Learned Assistant Government Pleader for Services-IV reiterated the facts set out in the counter-affidavit filed by the 4th respondent and submitted that Petitioner Nos.2 and 3 were sanctioned their annual periodical increments every year. The annual grade increment for February, 2023 was sanctioned to the 2nd petitioner vide Proc.Rc.No.SA/PHC/23, dated 20.02.2023, while the annual grade increment for March, 2023 was sanctioned to the 3rd petitioner in the pay fixation under RPS-2022. He further submits that annual grade increments can be sanctioned to the employees who have completed one year service without any break unless if any specific orders passed by the disciplinary authority for withholding of annual grade increments.

6. However, the 1st petitioner has since retired from service, while the other two petitioners have been receiving their annual grade increments. As regards the grievance of the petitioners regarding non-payment of annual

grade increments, the petitioners have not filed any rejoinder denying the said contention. It is further submitted that the petitioners are not entitled to the benefit of Special grade increment, as there is no stagnation in their cases warranting further promotion. Where stagnation is attributable to misconduct, the employees are not entitled to Special Grade Promotion.

7. With regard to the departmental proceedings are concerned, no orders have been passed so far and they are kept pending. As per the counter affidavit, the charge memo was issued on 19.02.2020 *vide* Rc.No.392/R2B/2009, but so far, enquiry has not been concluded and further action also has not been taken on the said charge memo.

8. With regard to the special grade increments are concerned petitioners are not eligible for the Special Grade Scale, as they have not stagnated in service; rather, they were not considered for promotion on account of the alleged misconduct and, consequently, were not promoted along with their juniors. However, the disciplinary authorities have not passed any orders so far and have kept the matter pending for a considerable period. At the same time, the disciplinary authorities cannot withhold the service benefits of the petitioners indefinitely without concluding the departmental proceedings. Equally, the mere delay in concluding the proceedings cannot, by itself, result in exoneration of the petitioners from the charges pending against them. It is, therefore, for the disciplinary authorities to expedite the proceedings and conclude the same in accordance with law. Though six years have elapsed,

no final orders have been passed so far. Mere pendency of the appeal cannot be a ground for keeping the departmental proceedings pending or for not concluding the same.

9. However, at this stage, learned counsel for the petitioners submits that, since the criminal Court has acquitted the petitioners, the disciplinary authorities ought to have considered their case. He further submits that it is for the respondent authorities to examine whether the acquittal amounts to a clean or honourable acquittal, whether the charges framed in the departmental proceedings are identical to those adjudicated by the competent criminal Court, and whether the witnesses examined in the criminal proceedings are the same as those relied upon in the departmental proceedings. It is, therefore, for the disciplinary authorities to consider whether the charges in the departmental proceedings are identical to the charges that were the subject matter of adjudication before the criminal Court.

10. According to G.O.Ms.No.91, General Administration (Ser.C) Department, dated 12.09.2022, procedure has been prescribed by the State to deal with the departmental proceedings within time bound manner and the authorities are bound to follow the same. In the instant case, though charge memo was issued in the year 2020, no further proceedings have taken place so far and the counter affidavit filed in the year 2024 is also silent on the said aspect.

11. In view of the foregoing, this Court is of the opinion that the failure of the respondents to conclude the departmental proceedings within a reasonable period is highly unacceptable. Accordingly, the respondents are directed to conclude the departmental enquiry within a period of six (06) months from the date of receipt of a copy of this order, duly taking into consideration the proceedings before the competent criminal Court, particularly whether the charges therein are identical to those framed in the departmental proceedings, after affording an opportunity of hearing to the petitioners. The respondents shall thereafter pass appropriate orders in the departmental proceedings within the aforesaid stipulated period. In the event the respondents fail to conclude the departmental proceedings within the stipulated period, the pendency of such proceedings shall not come in the way of the petitioners' career advancement, including their consideration for promotion, subject to their eligibility under the applicable service rules.

12. With the above directions, the Writ Petition is disposed of. No costs.

Consequently, miscellaneous petitions if any, shall stand closed.

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JUSTICE BALAJI MEDAMALLI

Dated: 06.10.2026

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