

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

WEDNESDAY, THE SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

HON'BLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 6983 OF 2025



Between:

R Ramakrishna Rao, S/o. R. Laxmi Ganapati Rao Aged about 67 years, Occ:
Director of Planning, APCRDA (Retd.), R/o D. No. MIG - 6, Housing Board
Colony, Tirupati, Tirupati District.

...PETITIONER

AND

1. The State of AP, Rep. by its Principal Secretary, Municipal Administration Urban Development Department, A.P Secretariat, Velagapudi, Amaravathi.
2. The Andhra Pradesh Capital Region Development Authority, Rep. by its Commissioner, Vijayawada, NTR District.
3. Tirupati Urban Development Authority, Rep by Its Vice Chairman, Tirupati, Tirupathi District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in not Dropping the Charges initiated against the Petitioner vide GO RT No. 835 MA&UD (Vig-II) Department dated 31-08-2018 in spite of Second Inquiry Report submitted by the Inquiry Officer vide on 04/10/2023 vide Letter No. 2374/2020/V.Cell by holding that Charges Not Proved and not sanctioning the Monthly Pension and not settling the

Retirement benefits and Gratuity to the Petitioner as illegal, arbitrai. violation of Principles of Natural Justice, violation of Articles 14, 19(1)(g) and 21 of the Constitution of India and consequently direct the Respondents to take appropriate action on the Petitioners representations dated 12/11/2024 & 25/02/2025 and Drop the Charges initiated against the Petitioner and sanction the monthly pension and release all retirement benefits and Gratuity forthwith.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to take appropriate action on the Petitioner's representations dated 12-11-2024 & 25-02-2025 and sanction the monthly pension and release the retirement benefits and Gratuity forthwith.

Counsel for the Petitioner: SRI P S P SURESH KUMAR

Counsel for the Respondent No.1: GP FOR SERVICES I

Counsel for the Respondent No.2: SMT. S PRANTHI (SC FOR APCRDA)

Counsel for the Respondent No.3: SRI Y SOMARAJU

The Court made the following: ORDER



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

[3506]

WEDNESDAY, THE SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 6983/2025

Between:

R. Ramakrishna Rao

...PETITIONER

AND

The State of A.P. and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.P. S. P. SURESH KUMAR

Counsel for the Respondent(S):

1.GP FOR SERVICES I

2.S. PRANATHI

The Court made the following:

ORDER:

The present writ petition is filed seeking the following relief:

"...to issue a writ, order or direction, more particularly, one in the nature of Writ of Mandamus declaring the action of the Respondents in not dropping the charges initiated against the Petitioner vide G.O. Rt. No.835, M.A. & U.D. (Vig.II) Department, dated 31.08.2018, in spite of Second Inquiry Report submitted by the Inquiry Officer on 04/10/2023 vide Letter No.2374/2020/V.Cell by holding that charges not proved and not sanctioning the monthly pension and not settling the retirement benefits and gratuity to the Petitioner, as illegal,

arbitrary, violation of Principles of Natural Justice, violation of Articles 14 19(1)(g) and 21 of the Constitution of India and consequently, direct the Respondents to take appropriate action on the Petitioner's representations, dated 12.11.2024 and 25.02.2025 and drop the charges initiated against the Petitioner and sanction the monthly pension and release all retirement benefits and gratuity forthwith, and to pass...."

2. Heard Sri P.S.P. Suresh Kumar, learned counsel for the petitioner and learned Assistant Government Pleader for Services-I appearing for the respondents.

3. Petitioner was appointed as Assistant Planning Officer in Tirupati Urban Development Authority. He was sent on deputation to Hyderabad Metropolitan Development Authority as Chief Planning Officer during the period from 14.03.2013 to 26.12.2014, and after bifurcation of State, he was placed on deputation at A.P.C.R.D.A. as Director of Planning and he superannuated on 31.03.2018. After retirement, petitioner was issued charge memo vide G.O.Ms.No.835 Municipal Administration and Urban Development (Vig.II) Department, with two articles of charges. As per the said charges, petitioner while working as Chief Planning Officer, H.M.D.A., during the period from January, 2013 to July, 2013, approved the regularisation proceedings of unauthorised buildings under Building Regularization Scheme. Petitioner participated in the enquiry by submitting explanation. The enquiry officer submitted report on 20.02.2022 holding that charges levelled against the petitioner are not proved. However, the matter was once again re-enquired into and

enquiry officer submitted second enquiry report on 04.10.2023 once again coming to conclusion that the charges levelled were not proved. In terms of aforesaid enquiry report, Government vide Memo., No.126228/Vig.II/A1/2016(E-332676, dated 22.02.2024, while accepting the enquiry report and findings of enquiry officer, called upon petitioner to submit explanation, if any, under Rule 21(2) of Andhra Pradesh Civil Services (CC & A) Rules, 1991. Petitioner has submitted reply, dated 06.03.2024, accepting the findings of enquiry officer and requested to drop disciplinary proceedings. Despite the same, till now the respondents have not closed the proceedings and on the pretext of pendency of said proceedings, the petitioner is denied of final pension and other retirement benefits. Petitioner submitted representations, dated 12.11.2024 and 25.02.2025 requesting to release pension and retirement benefits. However, there is no response to the said representations.

4. Learned counsel for the petitioner submits that two enquiry reports found that allegations levelled against petitioner were not proved, which findings came to be accepted by the Government, in view of the same, the respondents were to formally close the proceedings, but rather protracting the same and unfairly withholding pension and

retirement benefits in contravention to Rule 9(2)(b)(ii) of the A.P. Revised Pension Rules, 1980.

5. Learned Assistant Government Pleader for Services-I has placed on record written instructions. The said instructions stated that report and findings of the enquiry authority have been accepted by the Government, however, in order to find out actual culprits, they have addressed to the Principal Secretary to the Government, Municipal Administration and Urban Development Department, Government of Telangana, to identify persons who involved in the forgery of signatures of charged officer, which is awaited, therefore, the disciplinary proceedings against petitioner are not at concluded. The relevant portion of the written instructions reads as under:

“* After examination of findings of the Inquiry Officer, it has been observed that the Inquiry Authority categorically have given her remarks on the observations of APVC, keeping in view the findings, recommendations of V & E Department and as per orders issued by the Government with regard to BRS Rules, 2007. The Inquiring Authority (I.A.) while taking into preponderance of evidence, has finally concluded that the charges are held not proved against the Charged Officer.

- Accordingly, the findings of the Inquiring Authority were accepted and a copy of Inquiry Report was communicated to Charged Officer viz., Sri R.Rama Krishna Rao, for his written representation, as required under Rule 21(2) of A.P.C.S. (CC&A) Rules, 1991; vide Memo. dated 22.02.2024 and the Principal Secretary to Govt., M.A. & U.D. Department, Telangana Secretariat, Govt. of Telangana was requested to identify the officials who involved in the forgery of the signature of the Charged Officer and take appropriate action against them and furnish the action taken report to this Department vide Letter, dated 22.02.2024.

- The delinquent officer Sri R.Ramakrishna Rao (Retd.) has submitted his written representation vide his Letter dated 06.03.2024. He accepted the findings of the Inquiry Authority and requested to drop the disciplinary proceedings against him.
- The M.A. & U.D. Department, Telangana Secretariat, Govt. of Telangana, was requested to identify the officials who involved in the forgery of the signature of the Charged Officer and take appropriate action against them and furnish the action taken report to this Department vide Govt. Letter dated 22.02.2024. However, despite multiple reminders issued vide Government Letters dated 14.05.2024, dated 17.10.2024, dated 27.11.2024 and the report is still awaited.
- The disciplinary case of Sri R. Ramakrishna Rao (Retd.) is under consideration of the Government and disciplinary proceedings will be concluded after following business rules and for issuing final orders."

6. As per Rule 9(2)(b)(ii) of the A.P. Revised Pension Rules, 1980, disciplinary authority is not supposed to initiate departmental proceedings against Government Servant who has retired from service in respect of the event which took place more than four years before such institution. In the present case, the alleged incident happened during the period when the petitioner was on deputation with H.M.D.A., Hyderabad, in the months of January, 2013 to July, 2013, after he retired on 31.03.2018, charge memo came to be issued on 31.08.2018. The aforesaid sequence of events clearly demonstrate that after retirement of petitioner, for an incident which has happened beyond four years, the charges have been levelled. Therefore, in terms for Rule 9(2)(b)(ii) of the A.P. Revised Pension Rules, 1980, the Government is not entitled to




withhold the pension and other retirement benefits. At any rate, even the enquiry conducted against petitioner clearly ended in charges not being proved, which has been accepted by the Government. Therefore, as a necessary corollary, the respondents are merely required to close the proceedings.

7. In view of the same, the writ petition is allowed, directing the respondents to release pension and other retirement benefits to petitioner within a period of three months from the date of receipt of a copy of this order. No order as to costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

//TRUE COPY//

Sd/- P.U.V.BHASKAR RAO
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration Urban Development Department, A.P Secretariat, Velagapudi, Amaravathi.
2. The Commissioner, Andhra Pradesh Capital Region Development Authority, Vijayawada, NTR District.
3. The Vice Chairman, Tirupati Urban Development Authority, Tirupati, Tirupathi District.
4. One CC to Sri P S P Suresh Kumar, Advocate [OPUC]
5. One CC to Smt. S Pranathi, SC for APCRDA, Advocate [OPUC]
6. One CC to Sri Y Somaraju, Advocate [OPUC]
7. Two CCs to GP for Services I, High Court of Andhra Pradesh. [OUT]
8. Three CD Copies

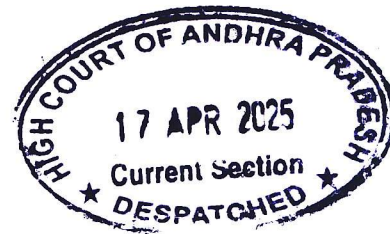
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HIGH COURT

DATED:02/04/2025

ORDER

WP.No.6983 of 2025



ALLOWING THE W.P., WITHOUT COSTS