

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH
WRIT PETITION NO: 7830 OF 2023



Between:

U Srinivasulu, S/o Late Ramanaiah, aged 45 years, Occ. Deputy Commercial Tax Officer O/o the Commercial Tax Officer, Atchutapuram Circle, D.No.1-368/ 2, Simhadrinagar, Lankalapatnam, Parawada Mandal, Anakapalli District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Special Chief Secretary to Government, Revenue Commercial Taxes Department, Secretariat, Velagapudi, Guntur District.
2. The Chief Commissioner of State Tax, Government of Andhra Pradesh, Vijayawasia, NTR District.

...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 to call for the records pertaining to charge memo issued in G.O.Rt.No.749 dated 14.09.2020 and set it aside as bad, illegal, arbitrary, unfair, atrocious, belated, violative of principles of natural justice, amounting to denial of reasonable opportunity, trivial, baseless, contrary to record/ facts, amounting to victimization, contrary to law laid down by the Hon'ble Constitutional Courts and also policy of the State Government that belated initiation of disciplinary proceedings and / or not concluding the disciplinary proceedings within reasonable time and consequently direct the respondents to release all the benefits for which he is entitled in law, which are denied to him, such as Special Grade Post Scale in the cadre of DCTO with all consequential benefits and to grant costs for unnecessary harassment meted out to the petitioner by issuance of Writ of Mandamus or issue any Writ, Order or Direction

IA NO: 1 OF 2023

Petition under Section 151 of 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 suspend the charge memo issued in G.O.Rt.No.749 dated 14.09.2020, Pending disposal of WP 7830 of 2023, on the file of the High Court.

IA NO: 2 OF 2023

Petition under Section 151 of 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 appoint the petitioner to Special Grade Post scale in the cadre of DCTO w.e.f. 05.01.2021, Pending disposal of WP 7830 of 2023, on the file of the High Court.

The Petition Coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI J SUDHEER Advocate for the Petitioner, GP FOR SERVICES I, for the Respondents, The Court made the following.

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed challenging the charge memo issued in G.O.Rt.No.749 dated 14.09.2020.

2. The learned counsel for the petitioner submits that the petitioner was functioning as DCTO at integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District. There was a surprise check conducted by the Anti Corruption Bureau personnel on 25.03.2015. The petitioner was not on duty on the said date. Thereafter, a report dated 05.01.2016 was submitted by Director General, ACB, A.p., Hyderabad to the concerned departments including the respondent department.

3. While the things stood thus, after lapse of 5½ years, G.O.Rt.No.749 dated 14.09.2020 was issued framing charges against the petitioner based on the surprise check conducted on 25.03.2015.

4. Learned counsel for the petitioner contends that even after lapse of three (3) years, the respondents have not concluded the proceedings and they are denying promotion to the petitioner to the post of Special Grade Post Scale in the cadre of DCTO on the ground of pendency of the said charge memo.

5. It is needless to say that as per the G.O.M.S.No.257 and also as per the subsequent instructions issued by the Government, the disciplinary proceedings pending against the persons shall be concluded within a period of six (06) months from the date of initiation of proceedings. It is further clarified that if the authorities are unable to conclude the disciplinary proceedings within a stipulated period they are eligible for promotion.

6. Considering the said G.O as well as the instructions of the Government, this Court has passed several orders to effect promotions to the persons based on the seniority without reference to the charge memo which is pending since long time.

7. In the instant case, based on the report dated 05.01.2016, charges were framed in the year 2020 and even after lapse of three(3) years, the authorities have not concluded the proceedings.

8. Hence, the respondents are directed to effect promotion to the petitioner without reference to the charge memo issued in G.O.Rt.No.749 dated 14.09.2020, if the petitioner is otherwise eligible.

Post after four (4) weeks.

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR


SECTION OFFICER

//TRUE COPY//

For /

To,

1. The Special Chief Secretary to Government, State of Andhra Pradesh, Revenue Commercial Taxes Department, Secretariat, Velagapudi, Guntur District.
2. The Chief Commissioner of State Tax, Government of Andhra Pradesh, Vijayawasia, NTR District. **(Addressees 1 & 2 by RPAD)**
3. One CC to SRI. J SUDHEER Advocate [OPUC]
4. Two CCs to GP FOR SERVICES I, High Court of Andhra Pradesh. [OUT]
5. One spare copy

PSR



HIGH COURT

DR,J

DATED:14/06/2023

NOTE: POST AFTER FOUR (4) WEEKS.

ORDER

WP.No.7830 of 2023

INTERIM DIRECTION

