

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

WEDNESDAY, THE SIXTEENTH DAY OF DECEMBER,
TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO



WRIT PETITION NO: 24015 OF 2020

Between:

B Ganesh, S/o Late Sanni Babu,

Petitioner

AND

1. State of Andhra Pradesh, Represented by its Principal Secretary to Government Revenue (Regn, I) Department, Secretariat, Velagapudi, Amaravathi, Guntur District, A.P.
2. The Commissioner and Inspector General of Registration and Stamps, Government of Andhra Pradesh, Vijayawada, Krishna District, A.P.
3. The Deputy Inspector General of Registration and Stamps, Visakhapatnam, Andhra Pradesh.
4. The District Registrar, Registration and Stamps Department, Visakhapatnam, Andhra Pradesh.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri V Ravichandran, presented this 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 issue appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus declaring action of the Respondents in not considering Petitioners case for promotion to the post of Senior Assistant on the ground of pendency of RADIO MESSAGE REF. 01/SC-ACB/VSP/2011 dated 25-01-2011 and thereby denying promotion at the threshold itself though the Petitioner is not under currency of any disciplinary or criminal proceedings as being arbitrary, illegal, contrary to the orders issued in G.O. Ms. No. 66 dated 30-01-1991 and Judgments rendered in this regard including the Order passed by this Honble Court in W.P. No. 3315 of 2019 dated 23-01-2020 and in violation of Articles 14 and 16 of the Constitution of India and further be pleased to hold that the Petitioner is entitled to have his case considered and be promoted as Senior Assistant with benefits incidental thereto without reference to the pendency of surprise check proceedings in RADIO MESSAGE REF. 01/SC-ACB/VSP/2011 dated 25-01-2011 on the analogy of Orders passed in similar cases and the reservation in the interest of justice with benefits incidental and ancillary thereto. —

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri V Ravichandran, Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted. —

You viz:

1. The Principal Secretary to Government Revenue (Regn, I) Department, State of A.P., Secretariat, Velagapudi, Amaravathi, Guntur District, A.P.
2. The Commissioner and Inspector General of Registration and Stamps, Government of Andhra Pradesh, Vijayawada, Krishna District, A.P.
3. The Deputy Inspector General of Registration and Stamps, Visakhapatnam, Andhra Pradesh.

4. The District Registrar, Registration and Stamps Department, Visakhapatnam, Andhra Pradesh. ✓

are directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted. ✓

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in W.P., the High Court may be pleased to consider the case of the Petitioner for promotion to the post of Senior Assistant without reference to surprise check proceedings in RADIO MESSAGE REF. 01/SC-ACB/VSP/2011 dated 25-01-2011 in terms of G.O. Ms. No. 66 dated 30-01-1991 and Orders passed by this Hon'ble Court in W.P. No. 3315 of 2020 dated 23-01-2020, pending disposal of WP No. 24015 of 2020, on the file of the High Court. ✓

The Court made the following

ORDER:

Notice before admission.

The petitioner is presently working as Junior Assistant in the office of the District Registrar, Visakhapatnam. A surprise check was conducted by the Anti Corruption Bureau (ACB) on 25.01.2011 in the office of the Joint Sub-Registrar Madhurawada, Visakhapatnam, where the petitioner was working in the year 2011. On the basis of the said surprise check, a case was registered against five individuals and charge sheet dated 15.04.2017 was filed before the Court of III Additional District and Sessions Judge-cum-Special Judge for A.C.B cases, Visakhapatnam. However, the name of the petitioner does not figure in the said charge sheet. ✓

The petitioner has now approached this Court complaining that even though his name was not figuring in the charge sheet, the respondents are not considering his case for promotion to the post of Senior Assistant on the ground that the said case is still pending against the petitioner as Radio Message Reference No.01/SC-ACB/VSP/2011 dated 25.01.2011, which had been issued prior to the filing of the criminal case, has not been closed.

In view of the Judgment of a Division Bench of this Court dated 23.01.2020 in W.P.No.3315 of 2019, there shall be an interim direction as prayed for. ✓

Sd/- M Ramesh Babu
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary to Government Revenue (Regn, I) Department, State of A.P., Secretariat, Velagapudi, Amaravathi, Guntur District, A.P.
2. The Commissioner and Inspector General of Registration and Stamps, Government of Andhra Pradesh, Vijayawada, Krishna District, A.P.
3. The Deputy Inspector General of Registration and Stamps, Visakhapatnam, Andhra Pradesh.
4. The District Registrar, Registration and Stamps Department, Visakhapatnam, Andhra Pradesh. **(Addressee Nos 1 to 4 by RPAD- along with a copy of petition and affidavit)**
5. One CC to Sri. V Ravichandran, Advocate [OPUC]
6. Two CCs to GP for Stamps and Registration, High Court Of Andhra Pradesh. [OUT]
7. One spare copy

Skm

HIGH COURT

RRRJ

DATED:16/12/2020

NOTICE BEFORE ADMISSION

WP.No.24015 of 2020

DIRECTION

