



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

[3331]

THURSDAY, THE TWENTY FOURTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

**WRIT PETITION NO: 24142/2024**

**Between:**

1.D RAMBABU, S/O. JANAKIRAMAIAH, AGED ABOUT 56 YEARS,  
OCC. MPDO, MANDAL PARISHAD DEVELOPMENT OFFICER,  
MANDAL PRAJA PARISHAD, RAZOLE MANDAL, DR.BR.  
AMBEDKAR KONASEMA DISTRICT FORMALLY EAST GODAVARI  
DISTRICT.

**...PETITIONER**

**AND**

1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY,  
PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT,  
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR  
DISTRICT.

2.THE COMMISSIONER PANCHAYAT RAJ AND RURAL  
DEVELOPMENT DEPARTMENT, AP, TADEPALLI, GUNTUR  
DISTRICT.

**...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 issue a writ, order or direction more in the nature of Writ of Mandamus to declare the impugned action of the respondents in not considering the claim of the petitioner for promotion to the post of Dy.Chief Executive CJIhcer or to the post of Divisional Development Officer from post of Mandal Parishad Development officer even though the allegations leveled in the charge memos are held not proved issued in Rc.No. 15135/CPR and

RE/A1/2009 Dated. 18.12.2009 and GO.Rt.No.601 PR and RD (Vig.V) Dept. Dated 27.10.2020 as illegal, arbitrary, discrimination which is against the Article 14, 16 and 21 of the Constitution of India and contrary to the orders passed in WP.No. 15811/2024 dated 09.08.2024 and consequently direct the respondents to consider the promotion of the petitioner to the post of Dy.Chief Executive Officer or to the post of Divisional Development Officer without reference to the charge memos issued in Rc.No.15135/CPR and RE/A1/2009 dated 18.12.2009 and GO.Rt.No.601 PR and RD (Vig.V) Dept. Dated 27.10.2020 in the ensuing DPC and to 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 direct the respondent to consider the claim of the petitioner for promotion to the post of Dy.Chief Executive Officer or to the post of Divisional Development Officer without reference to the charge memos issued in Rc.No.15135/CPR&RE/A1/2009 Dated; 18.12.2009 and GO.Rt.No.601 PR&RD (Vig.V) Dept. Dated;27.10.2020 in the ensuing DPC and to pass

**Counsel for the Petitioner:**

1.HARINATH REDDY SOMAGUTTA

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

1.GP FOR SERVICES

**The Court made the following:**

**::ORDER::**

Heard Sri Harinath Reddy Somagutta, learned counsel for the petitioner, and Sri R.S. Manidhar Pingali, learned Assistant Government Pleader for Services for respondents.

2. The petitioner, Mandal Parishad Development Officer, filed the above writ petition in not considering his case for promotion to the post of Deputy Chief Executive Officer or Divisional Development Officer on the ground that charge memos are pending as illegal and arbitrary.

3. A charge memo vide Rc.No.15132/CPR&RE/A1/2009, dated 18.12.2009 (Ex.P.1) was issued to the petitioner. The petitioner submitted

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explanation on 27.09.2011 (Ex.P.2). The Inquiry authority submitted a report *vide* Rc.No.166/2015-G1, dated 05.09.2017 (Ex.P.3). As seen from the inquiry report, the charges against the petitioner are not proved. Another inquiry officer was appointed and the second inquiry report was submitted *vide* Rc.No.166/2015/G3, dated 21.10.2023 (Ex.P.4). Even the second inquiry officer opined that the charges against the petitioner are not proved. The 2<sup>nd</sup> respondent issued a dissent note *vide* Memo No.437253/CPR&RD/A3/2009, dated 29.05.2024 (Ex.P.5). As per the averments in the affidavit petitioner attended a personal hearing on 11.07.2024 and submitted the explanation. So far no order has been passed by the disciplinary authority.

4. Another charge memo *vide* G.O.Rt.No.601 Panchayat Raj & Rural Development (VIG.V) Department, dated 27.10.2020 (Ex.P.6) was issued to the petitioner. The petitioner submitted explanation on 05.09.2022 (Ex.P.7). The inquiry officer submitted a report *vide* Rc.No.114/2023/CC, dated 09.10.2023 (Ex.P.8). The disciplinary authority has not passed any order so far.

5. Learned counsel for the petitioner would submit that though the petitioner is eligible for promotion, because of the aforementioned charge memos, the case of the petitioner for promotion has not been considered.

6. Learned Assistant Government Pleader would submit that since the inquiry reports are with the disciplinary authority, the disciplinary authority will pass appropriate orders in terms of G.O.Ms.No.91 General Administration (SER.C) Department, dated 12.09.2022. Learned Assistant Government Pleader would also submit that the case of the petitioner will be considered in terms of G.O.Ms.No.257 General Administration (SER.C) Department, dated 10.06.1999.

7. No doubt, two charge memos are pending against the petitioner Ex.P.1 dated 18.12.2009 and Ex.P.6 dated 27.10.2020. The government issued G.O.Ms.No.679 General Administration (Services-C) Department, dated

01.11.2008, and thereafter G.O.Ms.No.91 General Administration (SER.C) Department, dated 12.09.2022 fixing timelines to complete inquiry three and six months in case of simple and complicated matters.

8. In the case at hand, the discussion made supra would disclose that concerning the first charge, the inquiry has not been completed so far despite fifteen years. In respect of the second charge, the inquiry is not concluded even after a lapse of four years. For the laches on the part of the respondent authorities in concluding the inquiry the petitioner shall not be panelized.

9. Given the facts and circumstances of the case, without going into the merits of the matter, the writ petition is disposed of, at the admission stage, with the consent of both the learned counsel directing the 2<sup>nd</sup> respondent to consider the case of the petitioner for promotion, if the petitioner is in the zone of consideration, without reference to the charge memo vide Rc.No.15135/CPR&RE/A1/2009, dated 18.12.2009 (Ex.P.1) and charge memo vide G.O.Rt.No.601 Panchayat Raj & Rural Development (VIG.V) Department, dated 27.10.2020 (Ex.P.6). No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

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**JUSTICE SUBBA REDDY SATTI**

Dated: 24.10.2024  
SNI

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THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

**WRIT PETITION No.24142 OF 2024**

Dated: 24.10.2024  
SNI