



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

[3331]

THURSDAY, THE SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 25304/2024

Between:

1.M VEERANNA RAJU, S/O.DANIEL, AGE 44 YEARS,WORKING AS
DEPUTY RANGE OFFICER, NUZIVEDU (SOCIO FORESTRY),
OFFICE OF THE FOREST RANGE OFFICER (SOCIO FORESTRY),
NUZIVEDU, OFFICE OF THE DFO, (SOCIO FORESTRY),
NUZIVEDU, ELURU DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, ENVIRONMENT, FORESTS, SCIENCE, AND
TECHNOLOGY DEPT. ANDHRA PRADESH, VELAGAPUDU,
AMARAVATHI, GUNTUR DISTRICT.

2.THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS, (HEAD OF
FOREST FORCE), MANGALAGIRI, ANDHRA PRADESH.

3.THE CONSERVATOR OF FORESTS, RAJAHMUNDRY CIRCLE,
RAJAHMUNDRY.

...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 of Mandamus, declaring the orders passed
by the 2nd Respondent in Proceedings No. 14464/2014/A and DC-3(ii) dated
27-12- 2023, imposing the penalty of withholding of One Annual Grade
Increment with cumulative effect for partly proving the Charge and refusing to

dispose of the Statutory Appeal dated 19-2-2024 within the stipulated time amounts to deemed approval that the orders are illegal, arbitrary, violates Articles 14, 16 and 21 of the Constitution of India and contrary to Rule-20 of A.P.C.S.(CC and A) Rules and contrary to the judgments rendered by the Hon'ble Supreme Court of India in Bijalani case reported in 2006 (5) SCC 88, Radha Krishnans case reported in 1998 (4) SCC 154 and Mahadevans case reported in 2005 (6) SCC 636 and consequentially declare that the petitioner is entitled to the increment which was stopped without there being any Disciplinary Proceedings with all consequential attendant benefits and to pass

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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 issue an Interim Direction suspending the operation of the orders passed by the 2nd Respondent in Proceedings No. 14464/2014 -3 (ii) dated 27-12-2023, pending disposal of the W.P. and to pass

Counsel for the Petitioner:

1.P V RAMANA

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:**:: ORDER ::**

The petitioner, Forest Range Officer (Socio Forestry), filed the above writ petition to declare the proceedings No.14464/2014/A&DC-3(ii), dated 27.12.2023 (Ex.P5), whereby the authority imposed penalty of withholding of one increment with cumulative effect and also not disposing of the statutory appeal dated 19.02.2024, as illegal and arbitrary.

2. Heard Sri P.V.Ramana, learned counsel for the petitioner and Sri S.Raju, learned Assistant Government Pleader for Services appeared for the respondents.

3. Learned counsel for the petitioner would submit that a charge memo *vide* Rc.No.1611/2015-M8, dated 18.07.2015 (Ex.P1) was issued against the petitioner and the petitioner submitted explanation on 05.12.2017 (Ex.P2). Punishment was imposed *vide* proceedings No.14464/2014/A&DC-3(ii), dated 27.12.2023 (Ex.P5). The petitioner, immediately, filed a statutory appeal before respondent No.1 on 19.05.2024 (Ex.P6). The appellate authority has not disposed of the appeal so far. Learned counsel also would submit that the **Hon'ble Apex Court in S.S. Rathore v. State of Madhya Pradesh¹**, directed the appellate authority to dispose of the appeals as expeditiously as possible, with a period of three to six months as the outer limit. However, the authority has not disposed of the appeals so far.

4. Sri S.Raju, learned Assistant Government Pleader for Services, on instructions, while not disputing the pendency of the appeal, would submit that respondent No.1 will pass appropriate orders in the appeal filed by the petitioner *vide* Ex.P6, within three months.

5. As seen from the material available on record, there is no dispute about imposing a penalty *vide* Ex.P5 and filing of appeal by the petitioner *vide* Ex.P6.

6. It is pertinent to extract paragraph No.17 of the S.S. Rathore's Case as under:

"In this background if the original order of punishment is taken as the date when cause of action first accrues for the purposes of Article 58 of the Limitation Act, great hardship is bound to result. On one side, the claim would not be maintainable if laid before exhaustion of the remedies; on the other, if the departmental remedy though availed is not finalized within the period of limitation, the cause of action would no more be justiciable having become barred by limitation.

¹ (1989) 4 SCC 582

Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation.”

7. Given the facts and circumstances of the case and coupled with the observation given by the Hon'ble Apex Court in S.S. Rathore's case, the Writ Petition is disposed of directing the learned respondent No.1 to pass appropriate orders in the appeal filed by the petitioner, duly considering the entire material on record, strictly as per the Rules, within three (03) months from today. There shall be no order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 07.11.2024
TVN

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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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Dated: 07.11.2024
TVN