

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

FRIDAY, THE FIFTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 26167 OF 2024



Between:

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 Andhra Pradesh, rep. by its Principal Secretary,
Panchayat Raj and Rural Development Department, Secretariat
Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner Panchayat Raj & Rural Development
Department,, AP, Tadepalli, Guntur 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 in the nature of Writ of Mandamus by declaring the impugned charge memo issued vide Rc.No.5135/CPR & RE/A 1/2009 Dated 18.12.2009 on the file of the 2nd respondent whereby continuing prolonged enquiry i.e. about more than 15 years as illegal, arbitrary, delay and latches on the part of the respondents, contrary to the GO.Ms.91 Dated 12.09.2022, against the Article 14, 16 and 21 of the Constitution of India and against the Law laid down by the

Honourable High court WP.No.21143/2021 dated 07.11.2023 and 26012/2022 dated 07.02.2024 and set aside the same and consequently direct the respondents to release all consequential benefits to the petitioner including notional promotion on par with the immediate juniors;

IA NO: 1 OF 2024:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay of all further proceedings pertains to Impugned charge memo issued in Rc.No.15135/CPR&RE/A1/2009 Dated: 18.12.2009, pending disposal of WP.No.26167 of 2024, 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 Harinath Reddy Somagutta, Advocate for the Petitioner and GP for Services I for the Respondents, the Court made the following;

ORDER:

“A charge memo vide Rc.No.13121/CPR&RD/A1, dated 18.12.2009 (Ex.P.1) was issued to the petitioner. The petitioner submitted explanation (Ex.P.2). Thereafter, the Inquiry Officer submitted report vide Rc.No.166/2015-G1, dated 05.09.2017 to the 2nd respondent. The Inquiry Officer opined that the charges against the petitioner are not proved. It seems de-novo inquiry was ordered and the second Inquiry Officer submitted report vide Rc.No.166/2015/G3, dated 21.10.2023 (Ex.P.4) and in the second Inquiry Officer opined that the charges are not proved.

The 2nd respondent issued proceedings vide No.437253/CPR&RD/A3/2009, dated 29.05.2024 (Ex.P.6) directing the Inquiry Officer and Presenting Officer to conduct the disciplinary inquiry against the petitioner and submit inquiry report. The Inquiry

Officer issued notice dated 19.06.2024 (Ex.P.7) to the petitioner directing to attend the inquiry on 03.07.2024.

Learned counsel for the petitioner would submit that the petitioner attend inquiry on 11.07.2024.

Whether conducting repeated de-novo inquiry is permissible, required examination.

Given the facts and circumstances of case, there shall be stay of further proceedings in pursuance of the inquiry notice dated 19.06.2024 regarding charge memo vide Rc.No.13121/CPR&RD/A1, dated 18.12.2009 until further orders.

List the matter on 18.12.2024 in Adjourned Motion List.”

//TRUE COPY//

For

Sd/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Panchayat Raj and Rural Development Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District. (by **Special Messenger**)
2. The Commissioner Panchayat Raj & Rural Development Department,, AP, Tadepalli, Guntur District. (by **RPAD**)
3. One CC to Sri. Harinath Reddy Somagutta, Advocate [OPUC]
4. Two CCs to GP for Services I, High Court of Andhra Pradesh. [OUT]
5. One spare copy

MM

HIGH COURT

SRS,J

DATED:15/11/2024

LIST THE MATTER ON 18.12.2024 IN ADJOURNED MOTION LIST

ORDER

WP.No.26167 of 2024

STAY

