



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

[3575]

**FRIDAY, THE NINETEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

WRIT APPEAL No: 1069 of 2025

Between:

- 1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI AT AMARAVATHI. GUNTUR DISTRICT.
- 2.THE DIRECTOR GENERAL OF POLICE, ANDHRA PRADESH AT MANAGALAGIRI, GUNTUR DISTRICT.
- 3.THE DEPUTY INSPECTOR GENERAL OF POLICE, ELURU RANGE, ELURU, WEST GODAVARI DISTRICT.
- 4.THE SUPERINTENDENT OF POLICE, EAST GODAVARI DISTRICT AT KAKINADA.

- THE ADDITIONAL SUPERINTENDENT OF POLICE (ADMN.),
- 5.RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT.

...APPELLANT(S)

AND

- 1.LAMBU RAVI TEJA, S/o.LATE YACOBU, AGED ABOUT 62 YEARS, OCCUPATION SUB-INSPECTOR OF POLICE (RETIRED), R/O D.NO.3-413/1, HOUSING BOARD COLONY, LALACHERUVU, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT.

...RESPONDENT

CORAM : HON'BLE THE CHIEF JUSTICE MRS.LISA GILL

HON'BLE MR.JUSTICE NINALA JAYASURYA

DATE : 19.06.2026

Present : Mr.G.Raju, Government Pleader for Services-I, for appellants.

Mr.A.K.Kishore Reddy, Advocate for respondent.

Judgment Reserved on : 31.03.2026
Judgment Pronounced on : 19.06.2026
Judgment Uploaded on : 19.06.2026

The Court made the following judgment : *(Per Hon'ble Justice Ninala Jayasurya)*

1. State aggrieved by order dated 02.08.2024 in Writ Petition No.16324 of 2022 filed present appeal.
2. Learned Single Judge also allowed W.P.No.6164 of 2022 by a separate order dated 02.08.2024, against which, W.A.No.1078 of 2025 was filed and disposed of through a separate order.
3. Facts which are germane for consideration of present appeal, in brief, may be stated thus:
4. Memo No.02/P/2011 dated 18.08.2011 was issued to respondent / writ petitioner, who worked as Inspector of Police, Traffic-II P.S., Kakinada framing Article of Charge for exhibiting reprehensible conduct in indulging in corrupt practices in collecting money illegally from Lorry drivers, misusing official power in initiating minor P.Rolls against Traffic HCs & PCs and harassing them and demanding money to drop further action on the P.Rolls, collecting huge amounts from Oil industries such as Akalmar, Ruchi, NCS etc., in the guise of printing Flexi Banners on the eve of Police Commemoration Week against rules that one should get their sponsorship to display the hoarding and banners and owing huge amount of rupees to M/s.Chandana Bros., Kakinada, Lakshmi Venkata Ramana Paint Stores, Kakinada; Kalyani Enterprises, Kakinada, Veerabhadra Polyester Cut-pieces center, Kakinada towards purchase of Articles / clothes on credit basis and not clearing the due amounts

in spite of their repeated requests, lowering the image of the Police in the eyes of General Public and insubordination towards instructions of superior officers.

5. After granting sufficient opportunity *vide* Communications dated 14.09.2012 and 14.11.2012 for submitting explanation, the Superintendent of Police, Krishna District was appointed as Enquiry Officer on 25.11.2013. Sub-Divisional Police Officer, Machilipatnam was appointed as Presenting Officer on 26.11.2013. Through Memorandum dated 12.07.2014, respondent / writ petitioner was requested to cooperate with Enquiry Officer. In view of transfer of earlier Enquiry Officer, *vide* Proceedings dated 16.09.2014, another Officer was appointed to continue oral enquiry. In spite of receiving summons to participate in oral enquiry before Enquiry Officer on different dates, respondent / writ petitioner failed to attend the enquiry. On 03.12.2014, respondent / writ petitioner filed written statement of defence, but failed to attend enquiry proceedings thereafter. For the purpose of recording oral statement of respondent / writ petitioner, enquiry was posted on different dates. However, same did not progress much in view of conviction of respondent / writ petitioner in C.C.No.114 of 2005 dated 09.11.2015 relating to Crime No.97 of 2003 of Alamuru Police Station under Sections 109, 217, 323, 324, 343, 347, 348, 352 r/w Section 34 of Indian Penal Code and Section 156 (3) of Criminal Procedure Code and dismissal from service with effect from 09.11.2015.

6. Crl.A.No.586 of 2015 filed by him was allowed by an order dated 29.04.2016 and on remand, he was convicted on 22.06.2018. In view of the same, vide proceedings dated 01.11.2018 he was dismissed from service. Meanwhile, against order of conviction Crl.A.No.214 of 2018 was preferred. Learned 1st Additional District and Sessions Judge, Rajahmundry, East Godavari District allowed the appeal by order dated 01.04.2019. Therefore, he was reinstated into service vide proceedings dated 29.12.2021 w.e.f. 01.04.2019.

7. In the *interregnum*, he attained age of superannuation on 30.06.2019 and deemed to be retired from service. Enquiry officers appointed to conduct departmental proceedings in respect of separate incidents / charges could not proceed with the enquiry on account of transfers, dismissal of writ petitioner from service on two occasions. With a view to continue departmental enquiry, messages / Memo dated 25.04.2022 etc., were issued. Aggrieved by same, petitioner approached Writ Court *inter alia* with a prayer to declare that proceedings initiated against him is contrary to G.O.Ms.No.679, GA (Ser-C) Department dated 01.11.2008, illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India etc; and to set aside them.

8. Before learned Single Judge, a detailed counter-affidavit was filed on behalf of officials / authorities setting out details with regard to departmental enquiry, examination of some of the witnesses on behalf of Department, respondent / writ petitioner's absence to oral enquiry on different dates, delay in enquiry because of non-cooperation of respondent / writ petitioner, his

dismissal from service in view of conviction in Criminal Case and dropping of enquiry in question thereof, recommencement of departmental enquiry on setting aside conviction orders by appellate Court etc. It was specifically asserted that there is no administrative delay on the part of Department in conduct of oral enquiry against respondent / writ petitioner.

9. Learned Single Judge allowed writ petition and set aside proceedings impugned therein.

10. Heard Mr.G.Raju, learned Government Pleader for Services-I and learned counsel for respondent / writ petitioner. Learned Government Pleader made submissions to the effect that impugned order was passed without considering the matter in proper perspective. He submits that learned Single Judge ought to have appreciated that delay in conducting disciplinary enquiry was due to various administrative reasons apart from non-cooperation of respondent / writ petitioner. He also submits that as laid down by the Hon'ble Supreme Court in ***Chairman, LIC of India & Ors., v. A.Masilamani***¹, disciplinary enquiry cannot be set aside on the ground of delay in conducting same.

11. *Per contra*, it was argued that delay in completion of enquiry proceedings against respondent / writ petitioner is solely attributable to concerned authorities, that respondent / writ petitioner attained age of superannuation in 2019 and due to non-completion of enquiry, he lost promotion opportunities. He submits that learned Single Judge, in the attending facts and circumstances was justified in allowing writ petition and

¹ (2013) 6 SCC 530

order under appeal warrants no interference by appellate Court. Accordingly, prays for dismissal of the appeal.

12. Due consideration of the submissions made and perusal of material on record would clearly indicate that learned Writ Court had not dealt with the matter in proper perspective. It appears that learned Single Judge was under an impression that fact situation is similar to that in W.P.No.6164 of 2022. However, it may also be pertinent to point out here that in the affidavit filed in support of W.P.No.16324 of 2022 concerning present appeal, several material aspects with reference to enquiry in question were either stated or a reply to the elaborate counter-affidavit denying several factual aspects was filed. Be that as it may.

13. Issue as to whether delay in completion of enquiry is attributable to writ petitioner or Department and effect of G.O.Ms.No.679 dated 01.11.2008 providing for conclusion of disciplinary proceedings in Six (6) months, was neither examined nor reasons for granting relief thereof were discussed at all in the order under appeal. Writ court referring to **P.V.Mahadevan's case** simply allowed writ petition, as if decision therein is applicable to case on hand.

14. Against order of the High Court of Madras, P.V.Mahadevan approached Apex Court. To quash a Charge Memo dated 08.06.2000 with reference to an irregularity in issuing a Sale Deed in 1990, he filed writ petition. Contentions that delay of more than 10 years in initiating disciplinary proceedings by issuance of Charge Memo would render departmental proceedings vitiated

and in the absence of any explanation for the inordinate delay in initiating such proceedings of issuance of Charge Memo would justify prayer for quashing the proceedings were raised. In the said context, Hon'ble Supreme Court opined that allowing respondent to proceed further with the departmental proceedings at this distance of time will be prejudicial to appellant and made observations extracted in Para 8 of order under appeal, which are not reiterated for the sake of brevity.

15. Aforesaid decision with reference to delay in initiation of departmental enquiry itself is not applicable to present fact situation. Crime against respondent / writ petitioner herein was registered in 2011 and disciplinary proceedings were initiated *vide* Memo No.103/P1 2012 dated 30.04.2012. Thus, there is no delay in initiation of disciplinary proceedings unlike P.V.Mahadevan case, but conclusion of the same. Therefore reliance on decision in P.V.Mahadevan case is misplaced and order of Writ Court is liable to be set aside on this ground.

16. Further, legal position with regard to delay in completion of disciplinary proceedings / enquiry is well settled. In **A.Masilamani's case** referred to supra, High Court quashed disciplinary proceedings initiated by L.I.C. against delinquent employee (Masilamani). One of the contentions raised before the Hon'ble Supreme Court was that High Court exceeded its jurisdiction by quashing disciplinary proceedings as well as punishment imposed, as the same does not fall within scope of judicial review. Answering issues / questions that fell for consideration, Apex Court at Para 18 held as follows:

“18. The court/tribunal should not generally set aside the departmental enquiry, and quash the charges on the ground of delay in initiation of disciplinary proceedings, as such a power is de hors the limits of judicial review. In the event that the court/tribunal exercises such power, it exceeds its power of judicial review at the very threshold. Therefore, a charge-sheet or show-cause notice, issued in the course of disciplinary proceedings, cannot ordinarily be quashed by the court. The same principle is applicable in relation to there being a delay in conclusion of disciplinary proceedings. The facts and circumstances of the case in question have to be examined taking into consideration the gravity/magnitude of charges involved therein. The essence of the matter is that the court must take into consideration all relevant facts and to balance and weigh the same, so as to determine if it is in fact in the interest of clean and honest administration, that the judicial proceedings are allowed to be terminated only on the ground of delay in their conclusion. (Vide *State of U.P. v. Brahm Datt Sharma* [(1987) 2 SCC 179 : (1987) 3 ATC 319 : AIR 1987 SC 943] , *State of M.P. v. Bani Singh* [1990 Supp SCC 738 : 1991 SCC (L&S) 638 : (1991) 16 ATC 514 : AIR 1990 SC 1308] , *Union of India v. Ashok Kacker* [1995 Supp (1) SCC 180 : 1995 SCC (L&S) 374 : (1995) 29 ATC 145] , *Prohibition & Excise Deptt. v. L. Srinivasan* [(1996) 3 SCC 157 : 1996 SCC (L&S) 686 : (1996) 33 ATC 745] , *State of A.P. v. N. Radhakishan* [(1998) 4 SCC 154 : 1998 SCC (L&S) 1044 : AIR 1998 SC 1833] , *M.V. Bijlani v. Union of India* [(2006) 5 SCC 88 : 2006 SCC (L&S) 919 : AIR 2006 SC 3475] , *Union of India v. Kunisetty Satyanarayana* [(2006) 12 SCC 28 : (2007) 2 SCC (L&S) 304] and *Ministry of Defence v. Prabhash Chandra Mirdha* [(2012) 11 SCC 565 : (2013) 1 SCC (L&S) 121 : AIR 2012 SC 2250] .)”

17. At this juncture, it may also relevant to mention that crime is an act of commission in violation of Law or of omission of public duty. Departmental enquiry is to maintain discipline in the service and efficiency of public service as opined by Hon’ble Supreme Court in **Depot Manager, APSRTC v. Mohd. Yousuf Miya & Ors.**,²

18. In fact, keeping in view seriousness of charges, enquiry should have been completed expeditiously. However, delay per se is not attributable to appellants alone, but conviction orders which lead to dismissal of respondent from service and his conduct during enquiry proceedings also contributed to it. Though G.O.Ms.No.679 dated 01.11.2008 contemplates that disciplinary proceedings shall be concluded within six months of initiation, same cannot be

² (1997) 2 SCC 699

treated as mandatory, but directory. Any view to the effect that disciplinary proceedings cannot be continued on the premise that the same was not concluded in 6 (six) months or to be interdicted on the ground of delay in non-completion of the same would give scope for dilatory tactics and frustrate the object of departmental action. Allegations against the writ petitioner are grave and cannot be swept under the carpet due to reasons as accepted by learned Single Bench. Remedy cannot be worse than disease.

19. In our considered opinion, there is no material on record to indicate that delay in conclusion of disciplinary proceedings is attributable to appellants / Department and by virtue of G.O.Ms.No.679, cannot be proceeded further. Order under appeal, in the given facts and circumstances, is not sustainable. Accordingly, the same is set aside.

20. Keeping in view the object of disciplinary proceedings, as also nature of charges against respondent / writ petitioner who worked in Police Department, which commands high standards of honesty and integrity, this Court in the facts and circumstances, deems it expedient to direct completion of subject matter disciplinary proceedings within 3 months from the date of receipt of copy of this order, in accordance with Law and by affording due opportunity to respondent / writ petitioner. He shall extend all cooperation for completion of enquiry within the said time limit.

21. However, keeping in view the factum of this matter hanging fire since such long years, it is directed that in the event, enquiry is not completed and orders thereof are not passed within above stipulated period, disciplinary

proceedings in respect of charges in question shall stand automatically terminated.

22. Writ Appeal is accordingly allowed with the directions, as indicated above. No costs.

Pending application(s), if any, shall stand disposed of.

(LISA GILL)
CHIEF JUSTICE

(NINALA JAYASURYA)
JUDGE

Date:19.06.2026
BLV

HON'BLE THE CHIEF JUSTICE MRS. LISA GILL
&
HON'BLE MR. JUSTICE NINALA JAYASURYA

Writ Appeal No.1069 of 2025

19th June, 2026

BLV