

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

Bench
[3575]

APHC010532932025



Writ Appeal No: 1185 of 2025
along with
Writ Appeal No.204 of 2026

1) **Writ Appeal No: 1185 of 2025**

Tirlaka Koteswara Rao ...Appellant

Vs.

The State of Andhra Pradesh and others ...Respondents

Advocate for Appellant: Ms. Samantha Krishna S for
Mr. Amara Rama Rao

Advocate for Respondents: GP for Services I

2) **Writ Appeal No: 204 of 2026**

The State of Andhra Pradesh and others ...Appellants

Vs.

Tirlaka Koteswara Rao ...Respondent

Advocate for Appellants: GP for Services I

Advocate for Respondent: Ms. Samantha Krishna S for
Mr. Amara Rama Rao

**CORAM : Hon'ble CHIEF JUSTICE LISA GILL
Hon'ble Sri JUSTICE NINALA JAYASURYA**

DATE : 19th June, 2026.

LISA GILL, CJ:

Writ Appeal Nos.1185 of 2025 and 204 of 2026 were taken up together for hearing and adjudication at request and with consent of learned counsel for parties, as both appeals arise out of common order dated 10.07.2025, passed by learned Single Bench, deciding two writ petitions.

2. Writ Appeal No.1185 of 2025 arises out of Writ Petition (AT) No.594 of 2022, decided on 10.07.2025, and has been preferred by writ petitioner.

3. Writ Appeal No.204 of 2026 arises out of Writ Petition (AT) No.2120 of 2021, decided on 10.07.2025, and has been filed by respondent State.

4. Brief facts necessary for adjudication of these matters are that O.A.No.1877 of 2018 was initially filed before learned Andhra Pradesh Administrative Tribunal (A.P.A.T) by petitioner, namely Tirlaka Koteswara Rao (hereinafter referred to as writ petitioner). Upon transfer of matter to this Court it was re-numbered as W. P. (AT) No.2120 of 2021.

5. Aforesaid Writ Petition was filed to declare G.O.Rt.No.1167, dated 19.11.2015, whereby punishment of 20% cut in pension permanently, besides recovery of Rs.4,15,286/-, was imposed, as arbitrary and illegal. It was further prayed that respondent No.3 be directed to release a sum of Rs.53,755/- statedly withheld in contravention of G.O.Rt.No.1167, dated 19.11.2015 and to sanction full pension to petitioner and release the amount of Rs.4,15,286/- along with interest @ 18%.

6. O.A.No.462 of 2019 was also filed by writ petitioner before learned Andhra Pradesh Administrative Tribunal. After transfer of the said matter to this Court, it was re-numbered as W.P. (AT) No.594 of 2022. Prayer in this Writ Petition is for directing respondents to consider appellant's case for notional promotion as District Registrar and Deputy Inspector General on par with his immediate junior, namely, K. Satyanarayana Rao.

7. Writ Petitioner pleaded that he was appointed as Probationary Sub-Registrar in Registration department, which he served from 1995 till his retirement in 2013, rising to the rank of District Registrar. Disciplinary proceedings were initiated against him in respect of wrongful registration of 23 documents between 1995 and 1999 when he was serving as Sub-Registrar at Nallapadu, Guntur District. Charge framed against writ petitioner, *vide* memo dated 01.06.1998, reads as under:

“Article 1: That the said Sri T.Koteswara Rao, while working as Sub-Registrar, Nallapadu, Guntur District during the 27-05-1995 to 22-03-1996 registered document Nos. 186, 187, 234, 660 to 663, 852, 857, 863 to 865, 858, 866 to 868, 875, 876, 881 to 883, 888 to 889 of 1995 without verifying the date of purchase of stamps sold by A. Ramachandra Rao, Sri Rama Rao, Sri A.S. Reddy, Sri B.B.Reddy, Stamp venders, Guntur as required in Inspector General of Registration & Stamps Instructions vide Memo No.MV.1/5000/92, dt.26-07-1993 and 27-08-1993. In the preliminary enquiry it was prime-facie established that the Stamp Venders have sold the stamps used for the above documents with ante-date to facilitate the parties to draft documents with ante-date in order to evade payment of stamp duty on the revised market values which

have come into force w.e.f.1.4.95. An account of selling stamps with ante-dates and Sri T.Koteswara Rao registering the documents without verifying the date of selling of stamps, Government sustained a loss of revenue Rs.4,15,286/-."

8. When explanation submitted by writ petitioner on 09.09.1998 was not found satisfactory, enquiry into matter was ordered. Enquiry Report dated 13.03.2012 was submitted by regular enquiry officer holding that charges were proved against petitioner. Government after examining the report provisionally decided to impose punishment of 100% cut in pension permanently, besides ordering recovery of a sum of Rs.4,15,286/- i.e., the loss stated to have been caused by writ petitioner to public exchequer.

9. Show-Cause Notice was issued to writ petitioner as to why proposed punishment should not be imposed upon him. Ultimately, on consideration of facts and circumstances, order dated 19.11.2015 was passed by competent authority directing 20% cut in pension permanently, besides recovery of a sum of Rs.4,15,286/- for registering documents executed on stamps sold with ante-dates, without verification, thus causing loss of revenue to State exchequer.

10. Order dated 19.11.2015 was challenged by writ petitioner, pleading that Sub-Registrars are not required to physically verify Stamp Vendors' Registers as it is a task rendered impossible because these registers were centralized in custody with District Registrars on 31.03.1995 as per procedure. Writ petitioner had obtained verification certificates from the place of vending of ante-dated stamps to safeguard Government revenue and he had not violated

instructions contained in memo dated 26.07.1993 and neither was any loss of revenue caused due to his action.

11. Writ petitioner further pleaded that disciplinary process suffered from multiple irregularities, inasmuch as it was not appreciated that the then District Registrar, namely, B. Yanadaiah was the person entirely responsible. Stamp Vendor's Registers, i.e. primary evidence for charges, were unavailable, despite inquiry officer's repeated requests. Furthermore, no action whatsoever was taken against the said District Registrar, B. Yanadaiah or against four other Sub-Registrars.

12. It was further pleaded that extraordinary delay was present in conclusion of matter, inasmuch as incidents related to year 1995 with charges being framed in 1998 and inquiry being completed in 2012. Still further, final order of punishment was passed in the year 2015 i.e., two years after retirement of writ petitioner. Violation of G.O.Ms.No.679 dated 01.11.2008 which mandates a timeline of three to six months for completion of enquiry was pleaded. Penalty of 20% permanent cut on pension and recovery of Rs.4,15,286/- is without any evidentiary basis.

13. In Writ Petition No.594 of 2022, writ petitioner sought notional promotion to the post of District Registrar and Deputy Inspector General.

14. Respondents denied the allegations as raised before learned Writ Court.

15. Learned Single Bench took note of the fact that petitioner had relied upon verification certificates issued by B. Yanadaiah and in absence of any specific instruction to Sub-Registrars to personally and physically verify stamp vendors' registers to find out particulars of purchase of stamps, it was not incumbent upon writ petitioner to have verified the same physically. It was further observed that it is practically an impossible task for a Sub-Registrar to physically go to office of District Registrar each time, verify each and every document before it is registered. It is further noted by learned Single Bench that even as per the case of respondents it is not as if B. Yanadaiah was not competent to issue said certificates. Delay in proceedings was taken to be an additional factor in favor of writ petitioner by learned Writ Court.

16. Accordingly, W.P.(AT) No.2120 of 2021 was allowed by learned Single Bench while setting aside order dated 19.11.2015.

17. W.P.(AT) No.594 of 2022 was, however, dismissed while holding that writ petitioner is not automatically entitled to notional promotion on account of setting aside of penalty imposed. Moreover, Sri K. Satyanarayana Rao, statedly junior of writ petitioner, who was likely to be affected, was not included as party to Writ Petition.

Present appeals have thus emanated from common order dated 19.11.2015.

18. Learned counsel for writ petitioner (appellant in Writ Appeal No.1185 of 2025), vehemently argued that in given facts and circumstances, since punishment imposed upon writ petitioner has been set aside by learned Single Bench, there was no occasion for dismissing W.P.(AT) No.594 of 2022, which was filed by petitioner seeking notional promotion. It was submitted that impugned order dismissing W.P.(AT) No.594 of 2022 should be set aside to said extent and appeal allowed, as prayed for. Learned counsel for writ petitioner also seeks dismissal of W.A.No.204 of 2026, being devoid of any merit.

19. Learned counsel for respondent State (appellant in Writ Appeal No.204 of 2026) vehemently argued that impugned order dated 10.07.2025, to the extent of allowing W.P.(AT) No. 2120 of 2021, is liable to be set aside. It was argued that learned Single Bench has not taken into consideration that revision of market value of properties was announced by State with effect from 01.05.1995 throughout the State in respect of both urban and rural areas and that it was the duty of the Sub-Registrars to verify stamps of documents sold by stamp vendors, purportedly executed before 01.04.1995, and presented for registration on or before 01.05.1995. Sub-Registrars were required to verify these from the records of stamp vendors and admit only those documents for registration after satisfying themselves about the correctness thereof. Benefit of registration at un-revised rates had been provided only in respect of those documents which were purchased before 01.04.1995.

20. It was further submitted that order dated 19.11.2015, holding writ petitioner responsible for loss of revenue, was correctly passed. Enquiry report dated 13.03.2012 (Annexure P-12), specifically indicts writ petitioner for malpractice in question and loss of revenue to State to the tune of Rs.4,15,286/-. It is therefore submitted that W.P.(AT) No.594 of 2022 was correctly dismissed. It is thus prayed that Writ Appeal filed on behalf of State be allowed as prayed for with W.P.(AT) No.2120 of 2021 being dismissed throughout.

21. We heard learned counsel for parties and have perused the record.

22. Charge against writ petitioner has been reproduced in foregoing paragraphs. Allegation raised is that writ petitioner, serving as Sub-Registrar, Nallapadu, Guntur District, from 27.05.1995 to 22.03.1996, permitted registration of documents as mentioned on the basis of stamps which were ante-dated, to facilitate parties in evasion of payment of duty, which was revised with effect from 01.05.1995.

23. At this stage, it is relevant to refer to enquiry report dated 13.03.2012 (Annexure P-12), wherein it is specifically mentioned that verification certificates were issued by one Sri B. Yanadaiah, Joint S.R.I., Guntur and that since issue of verification certificates was found to be incorrect, responsibility falls on Sri B. Yanadaiah, who issued the said certificates. It is further mentioned that writ petitioner had kept documents in question pending for

registration and had sought verification certificates. On the basis of verification certificates issued by Sri B. Yanadaiah, registration was carried out.

24. The case of respondent State is that it was incumbent upon writ petitioner, serving as Sub-Registrar, to have physically verified record of stamp vendor. However, it is correctly observed by learned Single Bench that there is nothing on record to indicate that petitioner was under such an obligation or could not have registered documents on the basis of verification certificates issued by Sri B. Yanadaiah. Neither is there any allegation of connivance of writ petitioner with said Sri B. Yanadaiah.

25. It is pertinent to note that, admittedly, no action whatsoever was taken against Sri B. Yanadaiah for issuance of false verification certificates and tampering of entries in Stamp Vendors' Register. It is specifically mentioned in enquiry report dated 13.03.2012, that writ petitioner admitted documents upon receipt of verification certificates issued by Sri B. Yanadaiah and that responsibility thereof rests on the shoulders of Sri B. Yanadaiah. Surprisingly, no action whatsoever was taken against Sri B. Yanadaiah in respect of incident(s) which occurred in 1995. Charge was framed against writ petitioner in 1998, and enquiry was completed after long years in 2012, with final order being passed in 2015, i.e. two years after retirement of petitioner.

26. In the given factual matrix, learned Single Bench has correctly allowed W.P.(AT) No.2120 of 2021. There is no merit in the appeal filed by respondent State in this respect.

27. However, having considered entire conspectus of facts, we do not find any merit in the argument raised by learned counsel for writ petitioner that once order dated 19.11.2015 is set aside, petitioner is automatically entitled to notional promotion. It is a settled position that promotion is not a matter of right as such and there is no question of automatic notional promotion as is sought and urged by appellant/ writ petitioner.

28. Learned counsel for appellant/writ petitioner was unable to point out any ground which calls for interference in this respect. Writ Petition (AT) No.594 of 2022 was correctly dismissed.

29. No other argument was raised.

30. Keeping in view facts and circumstances as above, both Writ Appeals are dismissed and impugned common order is upheld. No costs.

Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

LISA GILL, CJ.

NINALA JAYASURYA, J.

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