

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HONOURABLE SRI JUSTICE P. SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA
WRIT PETITION NO.12901 OF 2018**

Date: 18.08.2026

Between:

Jacob Mudi

...Petitioner

AND

The State of Andhra Pradesh and 3 others

...Respondents

ORDER: *(As per Hon'ble Sri Justice Narsing Rao Nandikonda)*

Heard **Mr. B. Shiva Kumar**, learned counsel appearing for the petitioner; **Ms. M. Shalini**, learned Government Pleader for Law Legislative Affairs appearing for respondent No.1 and **Ms. V. Umadevi**, learned Standing Counsel for the High Court for the State of Telangana appearing for respondent Nos.2 to 4.

2. This Writ Petition is filed under Article 226 of Constitution of India seeking following relief:

“...to issue a Writ Order or a Direction one more in the nature of a Writ of Certiorari a Calling for the records of the Domestic Enquiry conducted by the 1st Respondent and the consequential enquiry report dated 08.08.2016 in pursuance of High Court proceedings Order ROC No.523/2014 Vigilance Cell dated 10.06.2015 and the consequential orders passed in G.O.Ms.No.2, Law (L, LA & Justice, Home, Courts-A) Department dated 04.01.2018 and the orders in ROC No.523/2014 Vigilance Cell dated 05.01.2018 communicated by the proceedings of the 4th Respondent dated 05.01.2018 and

b. Consequentially set aside the orders passed by the 1st Respondent vide G.O.Ms.No.2, Law (L, LA & Justice, Home, Courts-A) Department, dated 04.01.2018 confirmed by the 2nd Respondent under orders in ROC.No.523/2014 Vigilance Cell dated 05.01.2018 and communicated through the Orders of the 4th Respondent dated 05.01.2018 imposing a penalty of Compulsory Retirement from State Judicial Services and

c. Further direct the Respondents to reinstate the Petitioner herein with all consequential benefits Pass”

3. The brief facts of the case are that the petitioner joined the Andhra Pradesh Judicial Service as a Junior Civil Judge after being duly selected to the said post. He underwent the first phase of basic training in the 18th Batch at the A.P. Judicial Academy from 18.03.2013 to 17.09.2013. Upon completion of the first phase of training, he was posted as II Additional Junior Civil Judge, Gurazala, Guntur District. In the course of discharge of his judicial duties, he passed judicial orders and

issued show cause notices to police officials whenever they failed to perform their statutory duties under law.

4. It is further contended that on 27.11.2013, at about 5.05 p.m., after court hours, when the petitioner was about to leave the court premises for his official quarters, one Vanama Subba Rao, Advocate, obstructed his way by placing his motorcycle in front of the petitioner's car and abused him when questioned. The incident was immediately reported to the learned Principal District Judge, Guntur. Acting upon the instructions of the learned Principal District Judge, the petitioner lodged a complaint with the Urban Police Station, Gurazala, whereupon FIR No.228 of 2013 was registered under Sections 353 and 341 IPC. Subsequently, on the instructions of the learned Principal District Judge, Guntur, the dispute was compromised before the Lok Adalat.

5. It is further contended that during his tenure at Gurazala, the petitioner consistently issued show cause notices to police officials wherever lapses in investigation or dereliction of statutory duties came to his notice. In particular:

(a) In a referred complaint under Section 156(3) Cr.P.C., registered as FIR No.15 of 2014 dated 24.01.2014, he issued a show cause notice to the Sub-Divisional Police Officer, Gurazala, for failure to investigate FIR No.43 of 2011 registered under Section 376 IPC and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

(b) On 24.01.2014, he directed the Sub-Divisional Police Officer, Gurazala, to investigate a rape case involving a minor girl after taking cognizance under Section 190(1)(c) Cr.P.C.

(c) On 03.02.2014, he issued a notice to the Station House Officer, Urban Police Station, Gurazala, for failure to produce before the Court the seized amount of Rs.17,24,000/- in FIR No.140 of 2012 and for failure to investigate the case despite representations by the complainant.

(d) On 05.02.2014, he issued a notice to the Station House Officer for failure to register a court-referred complaint in CFR No.1397 of 2013. Pursuant thereto, FIR No.23 of 2014 came to be registered under Section 3(1)(iv), (v), (x) and (xi) of the SC/ST(Prevention of Atrocities) Act after a delay of about seven months.

(e) On 06.02.2014, he issued a show cause notice to the Sub-Divisional Police Officer directing production of the de facto complainant and the minor rape victim in FIR No.43 of 2011.

(f) Earlier, on 23.01.2014, he had also issued a show cause notice to the said officer in the very same case and, upon his failure to appear before the Court, issued a bailable warrant against him.

6. According to the petitioner, because of the above judicial orders and notices issued against the police officials, the concerned Sub-Divisional Police Officer and the Station House Officer became hostile towards him. Consequently, on 18.03.2014, at about 9.00 a.m., while the petitioner was proceeding to the Court after leave, his official vehicle was deliberately stopped at the Pondugula Check Post in the name of election duty and he was humiliated by the police officials.

7. The petitioner immediately informed the learned Principal District Judge, Guntur, about the incident. As there was no effective response, he addressed a representation dated 19.03.2014 to the Hon'ble High Court, upon which the High Court directed the learned Principal District Judge to submit a report. Accordingly, on 20.03.2014, the learned Principal District Judge submitted a report regarding the incident.

8. Thereafter, *vide* proceedings dated 23.03.2014, the Hon'ble High Court transferred the petitioner to Chintapalli, Visakhapatnam, as Judicial Magistrate of First Class, where he

joined on 24.03.2014, while he was still undergoing the period of training.

9. Subsequently, the Hon'ble High Court issued a show cause notice in ROC No.523/2014-Vigilance Cell calling upon the petitioner to submit his explanation. The explanation submitted by the petitioner was not accepted. Thereafter, six Articles of Charge were framed against him in ROC No.523/2014-Vigilance Cell, and departmental enquiry was ordered *vide* proceedings dated 10.06.2014. Meanwhile, the petitioner completed his basic training on 01.04.2015.

10. It is further contended that the Enquiry Officer, who was the learned District Judge (Enquiries) submitted his report dated 08.08.2016, holding that Charges 1 and 2 were proved, whereas Charges 3 to 6 were not proved. Thereafter, by proceedings dated 06.03.2017, the Hon'ble High Court issued a notice expressing disagreement with the findings of the Enquiry Officer insofar as Charges 3 to 6 were concerned and called upon the petitioner to submit his objections. The petitioner submitted his detailed objections on 04.08.2017, which were not duly considered.

11. Subsequently, during its deliberations held on 21.09.2017, the disciplinary authority rejected the petitioner's objections and recommended imposition of the punishment of compulsory retirement. Accordingly, Respondent No.1 issued G.O.Ms.No.2 dated 04.01.2018, imposing the major penalty of compulsory retirement from service. The said order was confirmed by respondent No.2 and communicated to the petitioner by respondent No.4 through proceedings dated 05.01.2018.

12. The petitioner assails the enquiry report, the findings of the disciplinary authority, and the consequential order of compulsory retirement primarily on the following grounds that firstly, it is contended that the entire disciplinary proceedings are vitiated as they were initiated in violation of the procedure prescribed in the Circular Orders contained in ROC No.325/76-B.Special, dated 06.08.1977, governing the manner in which complaints against judicial officers are to be dealt with.

13. According to the petitioner, the Enquiry Officer failed to appreciate that the complaint itself did not satisfy the prescribed

procedural requirements, thereby rendering the entire proceedings illegal.

14. Secondly, it is contended that the Enquiry Officer failed to appreciate that the guidelines issued by the Hon'ble Supreme Court in D.O. No.CJI/CC/CYMPL/2017/2246 dated 16.03.2017 were violated.

15. It is further contended that the complaints made by the police officials were false, motivated and retaliatory in nature, having been lodged only because the petitioner had passed judicial orders and issued notices against them for dereliction of duty.

16. The petitioner further contended that the Enquiry Officer erred in holding Charges 1 and 2 as proved merely on the basis of the testimony of PWs.1 to 4 and PW.9 without properly appreciating the defence evidence. According to him, the findings are based on presumptions rather than legal evidence.

17. It is specifically contended that the evidence of PW.2, who was a Court Attender, merely established that PWs.1 and 3 had

come to the Court around 10.25 a.m. and had waited until the call work was over before they were questioned regarding the protocol to be followed. Such evidence was wholly insufficient to establish allegations of high-handedness or abuse of power.

18. It is further contended that there were no allegations that the petitioner had used abusive or foul language. Therefore, the Enquiry Officer ought to have examined whether the alleged incident, even if accepted at its face value, constituted misconduct amounting to abuse of official power.

19. The petitioner further submits that while the Enquiry Officer rightly held Charges 3 to 6 as not proved for want of supporting documentary evidence such as General Diary entries and independent corroboration, he failed to apply the same standard of proof while appreciating the evidence relating to Charges 1 and 2.

20. It is further contended that the disciplinary authority grossly erred in disagreeing with the findings of the Enquiry Officer regarding Charges 3 to 6. According to the petitioner, the

disciplinary authority failed to appreciate that there were no independent witnesses examined during the preliminary enquiry and that the statements of police officials, without corroboration, could not have been accepted as sufficient proof.

21. The petitioner also contended that the disciplinary authority wrongly concluded that there was no reason to disbelieve PWs.5 to 8 and differed with the Enquiry Officer merely on presumptions, including the assumption that an identity card could not have been produced by any person other than the petitioner, while ignoring the admitted fact that the petitioner was present in Court until 5.00 p.m.

22. It is further contended that both the Enquiry Officer and the disciplinary authority failed to appreciate that the essence of all the complaints was the allegation of abuse of power and that despite availability of independent witnesses unconnected with the police department, no such witnesses were examined. The failure to examine independent witnesses is fatal to the disciplinary proceedings.

23. Lastly, it is contended that the punishment of compulsory retirement is shockingly disproportionate to the alleged misconduct. Though termed as compulsory retirement, the punishment, in effect, operates as dismissal from service. Since his relief from service on 05.01.2018, the petitioner has suffered grave hardship, loss of reputation and professional stigma and has been wrongly perceived as being guilty of corruption instead of the matter being viewed as a service dispute.

24. It is, therefore, contended that the impugned enquiry report, the findings of the disciplinary authority and G.O.Ms.No.2 dated 04.01.2018 imposing the penalty of compulsory retirement, together with the consequential proceedings confirming and communicating the same, are illegal, arbitrary and unsustainable in law and are liable to be set aside.

25. The respondents filed their counter-affidavit. It is the case of the respondents that the petitioner was selected for appointment as a Junior Civil Judge under direct recruitment pursuant to G.O.Ms.No.5, Law (L, LA & J-Home-Courts-C)

Department, dated 12.01.2013, which was subsequently amended by G.O.Ms.No.6, dated 12.01.2013, wherein the petitioner's name was included at Serial No. 40.

26. Pursuant to the said appointment, the petitioner was directed to undergo six months basic training at the Andhra Pradesh Judicial Academy, Secunderabad, from 18.03.2013 to 17.09.2013. Upon successful completion of the training, he was posted as II Additional Junior Civil Judge, Gurazala, Guntur District, where he assumed charge and discharged his judicial functions.

27. It is further contended that after completion of the period of training and subsequent postings, the petitioner was transferred and posted as Junior Civil Judge, Jaggayyapeta, *vide* proceedings dated 22.05.2017, where he assumed charge and continued in service. While he was serving in the judicial service, he was served with various proceedings relating to the disciplinary action initiated against him.

28. The respondents further stated that while the petitioner was working as Judicial Magistrate of First Class, Chintapalli, Visakhapatnam District, a show cause notice dated 18.09.2014 was issued to him calling upon him to explain as to why disciplinary proceedings should not be initiated against him. The said notice was based on the preliminary enquiry report submitted by the learned Principal District Judge, Guntur, in relation to two specific incidents referred to therein.

29. It is further stated that the petitioner submitted his explanation on 14.11.2014, denying all the allegations and explaining the circumstances relating to the incidents referred to in the show cause notice.

30. Thereafter, the petitioner was served with proceedings in ROC No.523/2014–Vigilance Cell, dated 12.01.2015, informing him that a regular departmental enquiry was proposed to be conducted against him. Along with the said proceedings, a charge memorandum containing six Articles of Charge was served upon the petitioner.

31. After framing the Articles of Charge, the High Court, *vide* proceedings in ROC No.523/2014–Vigilance Cell, dated 10.06.2015, appointed the Registrar (Enquiries), High Court of Judicature at Hyderabad, as the Inquiry Officer to conduct a regular departmental enquiry against the petitioner. The enquiry was conducted in accordance with the procedure prescribed under the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, and the petitioner duly participated in the enquiry.

32. For the sake of convenience and for better appreciation, the Articles of Charge Nos.1 to 6 are extracted and reproduced hereunder:

ARTICLES OF CHARGE No.1:

That you Sri M. Jacob, Junior Civil Judge, Chintapally, Visakhapatnam district, State of Andhra Pradesh, while working as !! Additional Junior Civil Judge, Gurazala, Guntur district, on 18-03-2014 at about 9:25 a.m., while the police personnel of Dachepalli Police Station were discharging their duties in implementation of model code of conduct at check post established at Pondugula Bridge and,

(i) when they stopped Maruthi Swift Car bearing No.AP 04 AP-5899 coming from Hyderabad and asked the occupant in a respectable manner from where he was proceeding, you sitting in the rear seat of

the car, pulled down the glass of the rear door, rose in an angry mood and behaved in a rude manner, that "as to why your vehicle was stopped and uttered in a most disrespectful manner as if they do not have eyes to identify the occupant", and

(ii) subsequently, on knowing your identity when the police constable Sri P. Upendra Babu (PC 3715) saluted you; ignoring the same demanded the constable to contact the Sub-Inspector on phone and when the Sub-Inspector came in contact over phone and despite expressing apology, you spoke to the Sub-Inspector derogatively about Sri P. Upendra Babu, Police Constable, besides directing them to appear before the court at 10:30 a.m., and

(iii) while leaving that place, you also threatened Sri P. Upendra Babu, Police Constable, pointing index finger at him said that you would see his end and how he would do his job in that area;

Thus, being a Judicial Officer, behaved in a most disrespectful manner against the police personnel, duly obstructing their duties, who were performing their legitimate duties and threatened and terrorized them with dire consequences, which act of yours if proved or established would amount to grave misconduct and unbecoming of a Judicial Officer within the meaning of the Rule 3 of A.P. Civil Services (Conduct) Rules 1964.

ARTICLES OF CHARGE No.2:

That you Sri M. Jacob, Junior Civil Judge, Chintapally, Visakhapatnam district, State of Andhra Pradesh while working as II Additional Junior Civil Judge, Gurazala, Guntur district, in connection with stopping of your car on 18-03-2014 at about 9:25 a.m., by the police personnel of Dachepalit Police Station at check post established at Pondugula Bridge and-

(i) as per your oral direction, when Sri S. Ramesh Babu, Sub-Inspector of Police and Sri P. Upendra Babu, Police Constable of Dachepalli PS came to meet you at 10:25 a.m., and before adoring the bench at 10:30 a.m., you seriously directed them to stand at a corner

of the court hall and proceeded with the call work till 11:00 a.m., before retiring to your chamber, and

(ii) subsequently, at about 12:15 p.m., after adoring the bench, despite tendering apology by Sri S. Ramesh Babu, Sub-Inspector, as mistakenly your car was stopped, you angrily shouted at them, who were still at the corner of the court hall, as per your directions, as to why he stopped your car and how dare was he and insulted the Sub-Inspector, by degrading his designation, duly threatening them that you could take cognizance under SC and ST's Act and thereby instructed your attender to inform the Superintendent, Sub-Jail, for sending escort police, as you were remanding them;

thus, being a Judicial Officer, behaved in a most rude, disrespectful and discourteous manner against the police personnel, not only obstructing their duties, but also wrongfully restrained them for more than 2 hours in the open court and acted outside the official duties and authority, which act of yours if proved or established would amount to grave misconduct and unbecoming of a Judicial Officer within the meaning of the Rule 3 of A.P. Civil Services (Conduct) Rules 1964.

ARTICLES OF CHARGE No.3:

That you Sri M. Jacob, Junior Civil Judge, Chintapally, Visakhapatnam district, State of Andhra Pradesh while working as II Additional Junior Civil Judge, Gurazala, Guntur district, in connection with the incident that happened on 15-03-2014 at 3:27 hours at Thummala cheruvu toll plaza, Nam Expressway Limited, Piduguralla Mandal, taking slight delay of two minutes for processing, identifying and exempting the vehicle i.e., Maruthi Swift Car bearing registration No. AP 04 AP-5899, you being the occupant of the said vehicle, from payment of toll fee, and

(i) on 18-03-2014 at about 10:30 a.m., as per your oral direction through Sri Y. Sridhar Reddy, Inspector of Police, Piduguralla, when Sri K.V.V.S.N. Reddy, Toll Manager, Sri G.V.M.B. Krishna Chaitanya, Toll Shift In-charge and Sri G. Naresh, Toll Operator were produced before the court by Sri K. Ramesh Babu, PC 3493 of

Gurazala PS, you made them to wait in the court premises till 12:00 noon and thus wrongfully restrained them for more than 2 hours in the court premises and acted outside the official duties and authority, which act of yours if proved or established would amount to grave misconduct and unbecoming of a Judicial Officer within the meaning of the Rule 3 of A.P. Civil Services (Conduct) Rules 1964.

ARTICLES OF CHARGE. No.4:

That you Sri M. Jacob, Junior Civil Judge, Chintapally, Visakhapatnam district, State of Andhra Pradesh while working as II Additional Junior Civil Judge, Gurazala, Guntur district, consequent upon your oral direction, when Sri K.V.V.S.N. Reddy, Toll Manager, Sri G.V.M.B. Krishna Chaitanya, Toll Shift In-charge and Sri G. Naresh, Toll Operator were produced before the court,

(1) on 18-03-2014 at about 12:00 noon, without heeding to their pleas, straightaway shouted loudly at them "how dare you people are stopping the vehicle of a judge and asking to show the identity card and to pay the toll fee" and directed the police constables of Gurazala PS to take them into custody and detain them at Gurazala PS till further orders and;

thus detained them illegally from 12:00 noon to 6:45 p.m., at Gurazala PS, for no fault of them, while they were discharging their legitimate duties and acted outside the official duties and authority of a judicial officer, who is supposed to safeguard the fundamental rights of the individuals, as guaranteed under the Constitution, which act of yours if proved or established would amount to grave misconduct and unbecoming of a Judicial Officer within the meaning of the Rule 3 of A.P. Civil Services (Conduct) Rules 1964.

ARTICLES OF CHARGE No.5:

That you Sri M. Jacob, Junior Civil Judge, Chintapally, Visakhapatnam district, State of Andhra Pradesh while working as II Additional Junior Civil Judge, Gurazala, Guntur district, on 18-03-2014 after ordering police constables of Gurajala PS to take into illegal custody of Sri K.V.V.S.N. Reddy, Toll Manager, Sri G.V.M.B.

Krishna Chaitanya, Toll Shift In-charge and Sri G. Naresh, Toll Operator, again at 6:45 p.m., when the police constables of Gurazala PS, pursuant to your direction, produced them at your residence, you scolded them mercilessly, as if they were criminals and it was only at 9:00 p.m., you released them from illegal detention and thus detained them illegally from 6:45 p.m., to 9:00 p.m., at your residence, besides behaving with them ruthlessly, for no fault of them and acted outside the official duties and authority of a judicial officer, who is supposed to safeguard the fundamental rights of the individuals, as guaranteed under the Constitution, which act of yours if proved or established would amount to grave misconduct and unbecoming of a Judicial Officer within the meaning of the Rule 3 of A.P. Civil Services (Conduct) Rules 1964.

ARTICLES OF CHARGE No.6:

That you Sri M. Jacob, Junior Civil Judge, Chintapally, Visakhapatnam district, State of Andhra Pradesh while working as II Additional Junior Civil Judge, Gurazala, Guntur district, having obtained permission to leave the headquarters after office hours on 15-03-2014, left the headquarters at 3:00 p.m., on that day and did not attend the court work from 3:00p.m., to 5:00 p.m., and did not intimate any of your higher authorities about your abserice during 3:00 p.m., to 5:00 p.m., and acted in utter disobedience and much against the High Court's circular instructions issued in Roc. No.2399/OP.Cell.E/2011,dated 08-08-2011, which act of yours if proved or established would amount to grave misconduct and unbecoming of a Judicial Officer within the meaning of the Rule 3 of A.P. Civil Services (Conduct) Rules 1964.

33. The disciplinary proceedings were initiated on the basis of the reports submitted by the learned Principal District Judge, Guntur, together with the documents enclosed therewith, concerning the incident that occurred on 18.03.2014 involving

the Sub-Inspector of Police and a Police Constable of Dachepalli Police Station, both at the Piduguralla Police Station and in the open Court hall, as well as the incident dated 15.03.2014 at the NAM Expressways Limited, Tummalacheruvu Toll Plaza, involving the petitioner and the toll plaza staff. On the basis of the said reports, a show cause notice was issued to the petitioner calling upon him to explain as to why disciplinary action should not be initiated against him.

34. Upon receipt and consideration of the petitioner's explanation, the High Court resolved to hold a regular departmental enquiry in accordance with the procedure prescribed under the A.P. Civil Services (CCA) Rules, 1991, and accordingly decided to initiate disciplinary proceedings against him.

35. A memorandum of charges together with Annexure-I containing the Articles of Charge, the statement of imputations in support of each Article of Charge, the list of documents and the list of witnesses was served upon the petitioner, calling upon

him to submit his written statement of defence. The petitioner accordingly submitted his written explanation.

36. During the course of the enquiry, the Inquiry Officer considered the entire material placed before him, which includes:

- i. *the report submitted by the learned Principal District Judge, Guntur;*
- ii. *the communications of the Superintendent of Police, Guntur, and the Sub-Divisional Police Officer, Gurazala;*
- iii. *the complaints submitted by Sri P. Upendra Babu, Police Constable, Dachepalli Police Station, and Sri S. Ramesh Babu, Sub-Inspector of Police, Dachepalli Police Station, addressed to the Superintendent of Police, Guntur;*
- iv. *the D.O. letter issued by the Vigilance Cell of the High Court to the Principal District Judge, Guntur;*
- v. *the preliminary enquiry report submitted by the Principal District Judge along with the sworn statements recorded during the preliminary enquiry;*
- vi. *the General Diary entry dated 18.03.2014 of Dachepalli Police Station;*
- vii. *the sworn statement of B. Jani Basha, Court Attender attached to the Junior Civil Judge's Court, Gurazala;*
- viii. *the communication of the District Collector and District Magistrate, Guntur;*
- ix. *the complaint submitted by the Toll Manager of NAM Expressways Limited, Tummalacheruvu Toll Plaza, together with the toll exemption receipts and incident log sheets dated 15.03.2014 and 18.03.2014;*
- x. *the sworn statements of the Inspector of Police, Piduguralla; the Toll Manager; the Toll Shift In-charge; the Toll Operator; Police Constable K. Ramesh Babu of Gurazala Urban Police Station;*

Police Constable B. Satyam Raju of Gurazala Urban Police Station;

- xi. the DVD containing the video footage of the incident at the toll plaza and the other documentary material produced during the enquiry.*

37. The Inquiry Officer also recorded the oral evidence of PWs.1 to 9, besides considering the evidence of the learned Principal District Judge, Guntur, and the defence put forth by the petitioner. Upon appreciation of the oral and documentary evidence, the Inquiry Officer submitted his report holding that Articles of Charge Nos.1 and 2 stood proved, whereas Articles of Charge Nos.3 to 6 were not proved.

38. The enquiry report was thereafter placed before the disciplinary authority. Upon consideration thereof, the High Court disagreed with the findings of the Inquiry Officer insofar as Articles of Charge Nos.3 to 6 were concerned. The High Court was of the opinion that the evidence of PWs.5 to 7 and PW.9 sufficiently established the imputations forming the subject matter of the said charges and therefore, decided to differ from the conclusions recorded by the Inquiry Officer.

39. Accordingly, the High Court issued a notice to the petitioner calling upon him to submit his objections within fifteen days as to why Articles of Charge Nos.3 to 6, which had been held to be not proved by the Inquiry Officer should not also be treated as proved, in addition to Articles of Charge Nos.1 and 2, which had already been held proved by the Inquiry Officer.

40. The disciplinary authority expressed its tentative disagreement with the findings in respect of Articles of Charge Nos.3 to 6 and sought the petitioner's explanation before taking a final decision.

41. It is the contention of the petitioner that the disciplinary proceedings have been initiated without taking into consideration the fact that while functioning as a Junior Civil Judge, he had issued official memoranda and show cause notices to various police officials for their failure to discharge their statutory duties in accordance with law. According to the petitioner, the police officials against whom such notices were issued bore animosity towards him, which ultimately culminated in the incident dated 18.03.2014, when the Sub-Divisional

Police Officer, Gurazala, and the Station House Officer working under him allegedly intercepted the petitioner's official vehicle in the guise of election checking and subjected him to humiliation while he was proceeding to the Court after availing leave.

42. It is further contended that the petitioner immediately reported the said incident to the learned Principal District Judge, Guntur. As no effective action was taken, he addressed a representation to the Hon'ble High Court. Pursuant to the directions issued by the High Court, the learned Principal District Judge submitted a report regarding the incident. Thereafter, on the basis of the said report, the petitioner was transferred to Chintapalli, Visakhapatnam District, during the period of his training.

43. The petitioner further submitted that the High Court issued a show cause notice, to which he submitted a detailed explanation. However, according to him, the explanation was not properly considered.

44. Learned counsel for the petitioner contended that the Inquiry Officer, after conducting a detailed enquiry, submitted a report holding that Articles of Charge Nos.1 and 2 were proved, whereas Articles of Charge Nos.3 to 6 were not proved. It is submitted that though the petitioner submitted his objections in response to the disagreement notice issued by the disciplinary authority with regard to Articles of Charge Nos.3 to 6, the said objections were not duly considered before the disciplinary authority proceeded to impose the impugned punishment.

45. It is contended that the disciplinary authority, after considering the material available on record, concluded that the petitioner had committed grave misconduct by acting in a manner unbecoming of a judicial officer, thereby bringing disrepute to the judicial service and violating Rule 3 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964. Consequently, the High Court recommended imposition of the major penalty of compulsory retirement and the petitioner was accordingly visited with the penalty of compulsory retirement

under Rule 9(8) of the Andhra Pradesh Civil Services (CCA) Rules, 1991.

46. Challenging the said decision, learned counsel for the petitioner submitted that even assuming, without admitting, that the charges held proved are accepted, the punishment imposed is wholly disproportionate to the nature of the alleged misconduct. It is further contended that the disciplinary authority had no valid basis to disagree with the findings recorded by the Inquiry Officer in respect of Articles of Charge Nos.3 to 6. If the disciplinary authority intended to differ from the findings of the Inquiry Officer, it ought to have adopted the procedure known to law and, if necessary, directed a further or de novo enquiry. In the absence of such a course, the disciplinary authority could not have merely disagreed with the findings and proceeded to impose the impugned penalty.

47. Learned counsel further contended that the allegations against the petitioner pertain only to isolated incidents of alleged misconduct and do not involve any allegation of corruption, lack of integrity, moral turpitude or abuse of judicial office for

personal gain. It is submitted that the incidents in question occurred when the petitioner was a young judicial officer who had only recently completed his training and was serving on probation. According to the petitioner, the disciplinary authority failed to appreciate the surrounding circumstances and imposed the extreme penalty of compulsory retirement without taking into consideration his status as a probationary judicial officer and the absence of any allegation affecting his honesty or integrity.

48. It is further argued that the allegations essentially relate to the petitioner's conduct during two incidents, namely, the alleged altercation with the toll plaza officials and his interaction with the police personnel who had stopped his official vehicle during election checking. Even according to the prosecution version, the allegations pertain to his alleged rude behaviour and exercise of authority during the said incidents. Such allegations do not constitute misconduct of such gravity as to warrant the extreme penalty of compulsory retirement.

49. Learned counsel submitted that the evidence adduced before the Inquiry Officer does not disclose any conduct of such a serious nature as would justify the disciplinary authority in imposing the harsh punishment of compulsory retirement. It is contended that the disciplinary authority and the High Court failed to appreciate that the charges, even if accepted, relate to isolated acts of indiscretion and are relatively trivial in nature. Therefore, the major penalty imposed is grossly disproportionate to the misconduct alleged.

50. In support of the aforesaid submissions, learned counsel for the petitioner placed reliance upon the judgment of the Hon'ble Supreme Court reported in **Krishna Prasad Verma (D) Thr. Lrs. v. State of Bihar**,¹ the relevant paragraph is extracted below:

16. We would, however, like to make it clear that we are in no manner indicating that if a judicial officer passes a wrong order, then no action is to be taken. In case a judicial officer passes orders which are against settled legal norms but there is no allegation of any extraneous influences leading to the passing of such orders then the appropriate action which the High Court should take is to record such material on the administrative side and place it on the service

¹(2019) 10 SCC 640

record of the judicial officer concerned. These matters can be taken into consideration while considering career progression of the concerned judicial officer. Once note of the wrong order is taken and they form part of the service record these can be taken into consideration to deny selection grade, promotion etc., and in case there is a continuous flow of wrong or illegal orders then the proper action would be to compulsorily retire the judicial officer, in accordance with the Rules. We again reiterate that unless there are clear-cut allegations of misconduct, extraneous influences, gratification of any kind etc., disciplinary proceedings should not be initiated merely on the basis that a wrong order has been passed by the judicial officer or merely on the ground that the judicial order is incorrect.

51. The learned counsel for the petitioner has also relied upon the decision of the Hon'ble Supreme Court reported in ***Ishwar Chand Jain v. High Court Of Punjab & Haryana and Another***,² the relevant paragraphs are extracted hereunder:

7. The Bar Association forwarded a copy of the resolution to the High Court and also to the District and Sessions Judge, Hissar. The appellant on getting information about the resolution addressed a letter to the Registrar of the High Court on 8.10.1983 giving his version about the incident and he further sought advice of the High Court as to whether in the circumstances the witness (Thakur Dass) should have been detained on the request of the counsel for a party to enable him to bring summons for effecting service on him and further whether it was the duty of the appellant as an Addl. District & Sessions Judge to get the service effected without their being any requisition from the court of the Chief Judicial Magistrate. It appears that the High Court did not give any reply to the appellant and the guidance sought for by the

²(1988) 3 SCC 370

appellant remained unattended. These facts clearly show how the members of the Bar Association passed the resolution condemning a judicial officer on trifling matter without applying their mind to the question. The appellant being an Additional Sessions Judge was not bound by law to detain the witness to enable counsel of a private party to bring Dasti summons for effecting service on the said witness. The members of the Bar practicing before the court should be aware of the legal position and they should not have indulged in passing a resolution condemning the appellant without there being any justifiable cause for the same. If the members of the Bar Association pass resolution against the presiding officers working in subordinate courts without there being any justifiable cause it would be difficult for judicial officers to perform their judicial functions and discharge their responsibilities in an objective and unbiased manner. We are distressed to find that the High Court instead of protecting the appellant took this incident into consideration in assessing the appellant's work and conduct.

13. As regards the confidential roll of the appellant is concerned it is noteworthy that when the High Court considered the matter on 21.3.1985 the appellant's annual report was available only for the first year of his service namely 1983-84. The report for that year was satisfactory. Entry for the year 1984-85 was awarded by Justice S.P. Goyal who was Inspecting Judge on 15.4.1985. He awarded Grade 'B' plus to the appellant which means that appellant's work was good. But this entry could not be taken into consideration by the High Court as it had already taken the decision on 21.3.1985 to dispense with the appellant's services. We are distressed to find that when the aforesaid entry for 1984-85 came up for consideration before the full court of the High Court it modified the same and down-graded the entry from 'B' plus to 'C' which means appellant's work was unsatisfactory. During the hearing we asked the learned counsel appearing for the High Court to produce material on the basis of which the High Court modified the entry given by Justice S.P. Goyal for the year 1984-85 but he was unable to place any material before us to support the decision of the High Court in modifying the entry. The modification of the

entry is therefore without any material and is not sustainable in law. It is thus clear that so far as annual entry on the appellant's confidential roll is concerned there was no material against him which could show that the appellant's work and conduct was unsatisfactory. The facts and circumstances discussed earlier clearly show that the appellant's services were terminated merely on the basis of the report made by the vigilance judge which we have discussed in detail earlier. The note appended to the agenda of the meeting referred only to the inquiry report and it did not refer to any other matter. The Vigilance Judge failed to express any positive opinion against the appellant instead he observed that the complaints required further investigation. If the High Court wanted to take action against the appellant on the basis of the complaints which were the subject of enquiry by the vigilance judge, it should have initiated disciplinary proceedings against the appellant, then the appellant could get opportunity to prove his innocence. We have already discussed in detail that the facts stated in the complaints and the report submitted by the vigilance judge did not show any defect in appellant's work as a judicial officer. While considering complaints of irregularities against a judicial officer on probation the High Court should have kept in mind that the incidents which were subject matter of enquiry related to the very first year of appellant's service. Every judicial officer is likely to commit mistake of some kind or the other in passing orders in the initial stage of his service which a mature judicial officer would not do. However, if the orders are passed without there being any corrupt motive, the same should be over-looked by the High Court and proper guidance should be provided to him. If after warning and guidance the officer on probation is not able to improve, his services should be terminated.

14. Under the Constitution the High Court has control over the subordinate judiciary. While exercising that control it is under a constitutional obligation to guide and protect judicial officers. An honest strict judicial officer is likely to have adversaries in the mofussil courts. If complaints are entertained on trifling matters relating to judicial orders which may have been upheld by the High

Court on the judicial side no judicial officer would feel protected and it would be difficult for him to discharge his duties in an honest and independent manner. An independent and honest judiciary is a sine qua non for Rule of law. If judicial officers are under constant threat of complaint and enquiry on trifling matters and if High Court encourages anonymous complaints to hold the field the subordinate judiciary will not be able to administer justice in an independent and honest manner. It is therefore imperative that the High Court should also take steps to protect its honest officers by ignoring ill-conceived or motivated complaints made by the unscrupulous lawyers and litigants. Having regard to facts and circumstances of the instant case we have no doubt in our mind that the resolution passed by the Bar Association against the appellant was wholly unjustified and the complaints made by Sh. Mehalawat and others were motivated which did not deserve any credit. Even the vigilance judge after holding enquiry did not record any finding that the appellant was guilty of any corrupt motive or that he had not acted judicially. All that was said against him was that he had acted improperly in granting adjournments.

52. Learned counsel for the petitioner further relied upon the judgment of this Court in ***M. Srinivas Chary v. State of Andhra Pradesh***.³ Reliance is also placed upon the judgment of the Hon'ble Delhi High Court in ***Aman Pratap Singh v. Government of NCT of Delhi and Another***,⁴ the relevant paragraphs are extracted hereunder:

30. Examined through this settled judicial lens, this Court finds no material to conclude that the Petitioners termination was founded upon established misconduct. The termination order does not

³W.P. No.23837 of 2023

⁴ W.P. (C) No. 15486/2024

contain any stigmatic language or refer to any finding of guilt; it is explicitly casted as a termination during probation. The contemporaneous record reveals that the ACR with adverse remarks on work and behaviour, along with complaints placed before the Full Court, formed the substratum of its institutional opinion regarding the non-suitability. In the considered view of this Court, the limited fact-finding said to have followed the viral video incident, lacked the essential attributes of a formal inquiry and not culminated in recorded conclusions, and, therefore, cannot be elevated to the status of the foundation of the action so as to attract the safeguards of Article 311(2) of the Constitution.

31. The Petitioners reliance on V.P. Ahuja (Supra) and Ratnesh Kumar Choudhary (Supra) is equally misplaced. In V.P. Ahuja (Supra), the termination order itself recited that the probationer had, failed in the performance of his duties administratively and technically", which the Supreme Court held to be stigmatic on its face, thereby necessitating compliance with natural justice before imposing what was, in substance, a penalty. Whereas, in Ratnesh Kumar Choudhary (Supra), the termination was based squarely upon an ex parte vigilance report containing detailed and conclusive findings of misconduct. Accordingly, the Court, lifting the veil, found that the order, though clothed as termination simpliciter, was punitive, thereby attracting Article 311(2) of the Constitution. Therefore, both these decisions, stand on materially distinct factual foundations, namely, the presence of either a stigmatic order or a conclusive finding of misconduct forming the basis of the action, either of which is conspicuously absent in the present case.

32. Likewise, the Petitioner's reliance on Sarita Choudhary (Supra) is distinguishable on account of distinct factual matrix. In this case, the Court examined the termination of two judicial officers, with reference to detailed ACRs, Assessment Charts and complaints against them. By and large, upon a holistic evaluation of the officers' service records over the years, the Court found that the complaints did not impinge upon their capability or suitability for judicial office. On the contrary, the record placed before the Court, reflected undoubted integrity, sound interpersonal conduct and high

rates of disposal. Further, with respect to the observation made in the Assessment Chart, it was observed that, it selectively recorded adverse aspects while omitting the civil points earned by the respective judicial officer. Whereas in respect of the second judicial officer, it was observed that the adverse ACRs were either belatedly communicated or not reconsidered despite explanations, and contained internal contradictions, failing to show the consistent poor performance, contrary to the assertion made by the High Court.

53. It is submitted that in the said case, the petitioner while serving as an Additional District Judge on probation, had allegedly raised his voice against a litigant who, in breach of courtroom decorum, recorded the court proceedings without permission and thereafter circulated the video on social media, resulting in public criticism. While considering the challenge to the action taken against the judicial officer, the Delhi High Court examined the scope of the power exercised under Rule 14 of the applicable Rules of 1970 and the principles governing assessment of the suitability of a probationary judicial officer for continuation in service.

54. Learned counsel for the petitioner further placed reliance upon the judgment of a Coordinate Bench of this Court in ***Kumari G. Govinda Lakshmi v. Government of Telangana***

and another.⁵ Reliance was also placed upon the judgment of the Hon'ble Supreme Court in **Nirbhay Singh Sulya v. State of Madhya Pradesh and another**,⁶ the relevant paragraphs are extracted below:

42. In *Yoginath D. Bagde v. State of Maharashtra and Another*⁹, Saghir Ahmad, J. lucidly explained the principle thus:-

“51. It was lastly contended by Mr Harish N. Salve that this Court cannot reappraise the evidence which has already been scrutinised by the enquiry officer as also by the Disciplinary Committee. It is contended that the High Court or this Court cannot, in exercise of its jurisdiction under Article 226 or Article 32 of the Constitution, act as the appellate authority in the domestic enquiry or trial and it is not open to this Court to reappraise the evidence. The proposition as put forward by Mr Salve is in very broad terms and cannot be accepted. The law is well settled that if the findings are perverse and are not supported by evidence on record or the findings recorded at the domestic trial are such to which no reasonable person would have reached, it would be open to the High Court as also to this Court to interfere in the matter. In *Kuldeep Singh v. Commr. of Police* [(1999) 2 SCC 10 : 1999 SCC (L&S) 429 : JT (1998) 8 SC 603] this Court, relying upon the earlier decisions in *Nand Kishore Prasad v. State of Bihar* [(1978) 3 SCC 366 : 1978 SCC (L&S) 458 : AIR 1978 SC 1277 : (1978) 3 SCR 708] , *State of Andhra Pradesh v. Rama Rao* [AIR 1963 SC 1723 : (1964) 3 SCR 25] , *Central Bank of India Ltd. v. Prakash Chand Jain* [AIR 1969 SC 983 : (1969) 2 LLJ 377] , *Bharat Iron Works v. Bhagubhai Balubhai Patel* [(1976) 1 SCC 518 : 1976 SCC (L&S) 92 : AIR 1976 SC 98 : (1976) 2 SCR 280]

⁵W.P. No.3288 of 2021

⁶Civil Appeal No.40 of 2026

as also Rajinder Kumar Kindra v. Delhi Admn. [(1984) 4 SCC 635 : 1985 SCC (L&S) 131 : AIR 1984 SC 1805 : (1985) 1 SCR 866] laid down that although the court cannot sit in appeal over the findings recorded by the disciplinary (1999) 7 SCC 739 authority or the enquiry officer in a departmental enquiry, it does not mean that in no circumstance can the court interfere. It was observed that the power of judicial review available to a High Court as also to this Court under the Constitution takes in its stride the domestic enquiry as well and the courts can interfere with the conclusions reached therein if there was no evidence to support the findings or the findings recorded were such as could not have been reached by an ordinary prudent man or the findings were perverse.” (Emphasis supplied)

43. For the above reasons, the appeal is allowed. The order of removal dated 02.09.2015, the order of Appellate Authority dated 17.03.2016 and the impugned order of the High Court are all set aside. The appellant shall be deemed to have continued in service till he attained the normal age of superannuation. Since the appellant has been kept out of service for no fault of his, we are of the opinion that full back wages with all consequential benefits should be given to the appellant. Let the monetary benefits be released within a period of eight weeks from today with interest @ 6 per cent. No order as to costs.

55. Learned counsel for the petitioner also relied upon the decision of the Hon’ble Supreme Court reported in **Ishwar Chand Jain** (2nd cited Supra), wherein in support of his contention, the punishment imposed upon the petitioner is wholly disproportionate to the misconduct alleged.

56. Having heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents, and upon careful consideration of the pleadings, the material placed on record, the enquiry proceedings and the judgments relied upon by both sides, this Court proceeds to examine the rival contentions.

57. The perusal of the Articles of Charge would disclose that the allegations against the petitioner substantially relate to his conduct towards the police personnel during the incident dated 18.03.2014. The allegations are that the petitioner behaved in a rude, discourteous and disrespectful manner towards the police officials who had stopped his official vehicle in discharge of their duties at the election check-post during the subsistence of the Model Code of Conduct. It is further alleged that despite the police personnel expressing regret after learning that the petitioner was a Judicial Officer, he continued to address them in an offensive manner, directed them to appear before his Court and allegedly threatened them by stating that he would “see the

end of the Court” and ensure that they would not be able to perform their duties in that area.

58. The further allegation is that the petitioner not only obstructed the police officials in the lawful discharge of their official duties but also wrongfully restrained them in the open Court premises and acted beyond the powers of his judicial authority.

59. It is not in dispute that the Inquiry Officer, upon appreciation of the oral and documentary evidence adduced during the departmental enquiry, held that Articles of Charge Nos.1 and 2 stood proved, whereas Articles of Charge Nos.3 to 6 were not proved.

60. Although the disciplinary authority disagreed with the findings recorded by the Inquiry Officer in respect of Articles of Charge Nos.3 to 6 and issued a disagreement notice calling upon the petitioner to submit his explanation, this Court finds that neither the impugned proceedings nor the material placed before

this Court disclose the basis on which the disciplinary authority arrived at a conclusion different from that of the Inquiry Officer.

61. Learned counsel appearing for the respondents was also unable to point out any independent material or additional evidence which persuaded the disciplinary authority to differ from the well-reasoned findings recorded by the Inquiry Officer in respect of Articles of Charge Nos.3 to 6. Except observing that the petitioner had committed grave misconduct and acted in a manner unbecoming of a Judicial Officer, thereby causing embarrassment to the institution, no tangible material has been placed before this Court to justify the reversal of the findings recorded by the Inquiry Officer on those charges.

62. As rightly contended by the learned counsel for the petitioner, the Inquiry Officer had examined the entire oral and documentary evidence on record before recording a categorical finding that Articles of Charge Nos.3 to 6 were not established. In the absence of any additional material or cogent reasons warranting a different conclusion, the disciplinary authority could not have merely substituted its own opinion for that of the

Inquiry Officer. Consequently, the findings recorded by the disciplinary authority holding Articles of Charge Nos.3 to 6 proved cannot be sustained and are liable to be set aside.

63. However, insofar as Articles of Charge Nos.1 and 2 are concerned, this Court finds that the conclusions recorded by the Inquiry Officer are supported by the oral and documentary evidence available on record. The findings are based upon the testimony of the official witnesses, including the concerned police personnel, the statements recorded by the learned Principal District Judge during the preliminary enquiry and the documentary evidence produced in support thereof. This Court does not find any perversity or procedural illegality in the appreciation of evidence by the Inquiry Officer warranting interference under Article 226 of the Constitution of India. Consequently, the challenge to the findings in respect of Articles of Charge Nos.1 and 2 cannot be accepted.

64. It is, however, equally necessary to examine the conduct of the petitioner in the backdrop of the circumstances in which the incident occurred. The petitioner had only recently entered the

Judicial Service. At the relevant point of time, he had completed only the first phase of his institutional training and had been posted to his first station as II Additional Junior Civil Judge, Gurazala. He continued to remain a probationary Judicial Officer and was yet to undergo the subsequent phases of training contemplated under the service rules.

65. A Judicial Officer occupies a position of high public trust and is expected to maintain the highest standards of dignity, restraint and propriety, not only while discharging judicial functions on the Bench but also in his conduct outside the Court. The office of a Judicial Officer does not cease with Court hours. The standards of conduct expected of a member of the judicial service extend beyond the courtroom and govern his conduct at all times. A Judicial Officer is, in that sense, a Judicial Officer throughout and not merely during Court working hours.

66. In view of the above observations, the petitioner ought to have exercised greater restraint and composure while interacting with the police officials who had stopped his vehicle during

election checking. The material on record indicates that the police personnel had intercepted the vehicle in discharge of their official duties pursuant to the enforcement of the Model Code of Conduct. It is also not the case of either party that after the petitioner disclosed his identity as a Judicial Officer, the police personnel persisted in acting disrespectfully. On the contrary, the record indicates that they expressed regret for having stopped the vehicle.

67. In such circumstances, the petitioner being a Judicial Officer and a responsible public servant was expected to cooperate with the police officials instead of reacting in a manner which has been found by the Inquiry Officer to be rude and discourteous. Such conduct undoubtedly falls short of the degree of restraint and dignity expected of a member of the judicial service and constitutes misconduct within the meaning of the Conduct Rules, though the gravity of such misconduct is a distinct question while considering the proportionality of the punishment imposed.

68. It is also pertinent to note that no material has been placed before this Court to justify the disciplinary authority's disagreement with the findings recorded by the Inquiry Officer in respect of Articles of Charge Nos.3 to 6. As already observed, the disciplinary authority has not assigned any cogent reasons nor referred to any independent material warranting a departure from the conclusions reached by the Inquiry Officer. In the absence of such material, this Court is of the considered opinion that the findings recorded by the disciplinary authority holding Articles of Charge Nos.3 to 6 proved are wholly unsustainable and liable to be set aside.

69. Coming to Articles of Charge Nos.1 and 2, this Court is of the considered view that there is sufficient material on record to sustain the findings of the Inquiry Officer, as affirmed by the disciplinary authority, that the said charges stand proved. However, the question that falls for consideration is whether the punishment imposed is commensurate with the misconduct established.

70. Before parting with factual matrix of the matter, this Court considers it appropriate to reiterate the high standards of conduct expected of every member of the judicial service. A Judicial Officer occupies an office of public trust. The dignity of the institution is reflected not merely through judicial pronouncements but equally through the personal conduct, temperament and behaviour of those who constitute the institution.

71. The Restatement of Values of Judicial Life, adopted by the Full Court of the Supreme Court of India on 07.05.1997 and subsequently endorsed by the Conference of Chief Justices in 1999, briefly states as follows:

“Every Judge must, at all times, be conscious that he is under the public gaze. There should be no act or omission by him which is unbecoming of the high office he occupies or of the public esteem in which that office is held.”

72. The Hon’ble Supreme Court, in ***Daya Shankar v. High Court of Allahabad***,⁷ emphasized that a Judicial Officer cannot have two standards of conduct, one inside the Court and another outside it. A judge is expected to maintain the same

⁷(1987) 3 SCC 1

standard of rectitude, honesty and propriety both on and off the Bench and must refrain from any conduct even remotely inconsistent with the dignity of the office.

73. Likewise, in ***All India Judges Association v. Union of India***,⁸ the Supreme Court underscored that members of the district judiciary discharge sovereign judicial functions of the State. Their position cannot be equated with officers of the executive or the police administration. By virtue of the nature of the judicial functions they discharge, they occupy a unique constitutional position and therefore, their behaviour, temperament, restraint and sense of responsibility must always reflect the dignity of the institution they represent.

74. This Court is in respectful agreement with the above principles. The conduct of every Judicial Officer, both on and off the Bench, must always conform to the highest standards of dignity, restraint, impartiality and propriety, for public confidence in the justice delivery system ultimately rests upon

⁸(1992) 1 SCC 119

the conduct of those entrusted with the administration of justice.

75. The society and its social structures are not static; they evolve continuously with changing circumstances. Scientific and technological advancements emerge at an unprecedented pace, and their implementation inevitably brings about significant changes in the social fabric. The law, too, cannot remain static. It must evolve and be applied in the context of changing societal realities, while preserving its foundational principles and constitutional nation.

76. Sometimes, a question may arise as to whether changing social circumstances warrant a corresponding relaxation in the standards of conduct, behaviour, temperament or tolerance expected of Judges while discharging their judicial functions. In the considered opinion of this Court, the answer must be in the negative. There can never be any dilution in the standards of courtesy, civility, patience, restraint, tolerance, forgiveness, impartiality and dignified conduct expected of a Judicial Officer.

On the contrary, these virtues assume even greater significance in an increasingly complex and dynamic society.

77. The office of a Judge is founded upon public confidence, and that confidence can be sustained only when members of the judiciary consistently exhibit the highest standards of ethical and moral conduct. Regardless of the changes taking place in society, the standards of judicial behaviour, decorum and temperament must remain of the highest order. A Judicial Officer is expected to maintain an exceptional degree of patience, self-restraint, impartiality and dignity, both while presiding over the Court and in all interactions outside the courtroom. These are enduring values intrinsic to the judicial office and are not susceptible to dilution merely because society itself is undergoing rapid transformation. Indeed, the greater the pace of societal change, the greater is the need for Judges to adhere steadfastly to these timeless principles, for they constitute the very foundation of the rule of law and the confidence reposed by the public in the administration of justice.

78. Coming to the present case on hand, the misconduct proved against the petitioner essentially pertains to his attitude and conduct towards police personnel during the incident in question. The allegations do not involve any charge of corruption, lack of integrity, moral turpitude, abuse of judicial office for personal gain, or any dishonest motive. There is also no allegation that the petitioner had, at any other point of his service, indulged in any conduct affecting his integrity or impartiality as a Judicial Officer.

79. It is not in dispute that the petitioner was then a very young Judicial Officer serving at his first station after completion of only the first phase of institutional training and was still on probation. Although the conduct attributed to him cannot be countenanced and certainly falls short of the standards expected of a member of the judicial service. In the facts and circumstances of the case, this Court is of the opinion that the same cannot be treated as misconduct warranting the extreme penalty of compulsory retirement under Rule 9(8) of the Andhra Pradesh Civil Services (CCA) Rules, 1991.

80. Having regard to the nature of the misconduct proved, the absence of any allegation touching the petitioner's integrity or honesty and the stage of service at which the incident occurred, this Court is of the considered opinion that the punishment imposed is unduly harsh and shockingly disproportionate to the misconduct established.

81. Accordingly, while upholding the findings recorded by the Inquiry Officer and affirmed by the disciplinary authority insofar as Articles of Charge Nos.1 and 2 are concerned, this Court set aside the findings recorded by the disciplinary authority in respect of Articles of Charge Nos.3 to 6 and restores the findings of the Inquiry Officer holding that the said charges are not proved.

82. Consequently, the order imposing the major penalty of compulsory retirement from service passed in G.O.Ms.No.2, dated 04.01.2018, together with the consequential proceedings issued in ROC No.523/2014-Vigilance Cell, dated 05.01.2018, cannot be sustained and are accordingly set aside.

83. The respondents are directed to reinstate the petitioner into service. As the petitioner has already lost the major portion of his service from 05.01.2018 to till date and posting back to his original post without any consequential benefits, we are of the considered opinion that making the petitioner staying away from the post and reinstating him to his original post itself can be treated as punishment for the charges proved. However, having regard to the fact that the petitioner did not discharge duties during the period commencing from the date of compulsory retirement till the date of reinstatement, this Court is of the view that the principle of “no work, no pay” would apply. Accordingly, the petitioner shall not be entitled to back wages or any other consequential monetary or service benefits for the said period on such reinstatement his seniority shall be fixed from the date of his reinstatement and he shall undergo his balance training.

84. With the aforesaid directions, the writ petition is partly allowed setting aside the orders passed by respondent No.1 *vide* G.O.Ms.No.2, Law (L, LA & Justice, Home, Courts-A)

Department, dated 04.01.2018 confirmed by respondent No.2 under orders in ROC.No.523/2014 Vigilance Cell dated 05.01.2018 and communicated through the Orders of respondent No.4 dated 05.01.2018. There shall be no order as to costs.

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

JUSTICE P. SAM KOSHY

JUSTICE NARSING RAO NANDIKONDA

Date: 18.08.2026.

vjb