

*** THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

+W.P.NO. 2142 OF 2023

% 29.07.2026

#Between:

Majji Guru Naidu.

..... Petitioner

\$And:

The State of A.P., and Others.

... Respondents

!Counsel for the Petitioner

: Sri Harinath Reddy Somagutta

^Counsel for the Respondents

: GP for Services I

<Gist:

>Head Note:

? Cases referred:

1. (2006) 5 SCC 88
2. (1970) 3 SCC 548
3. (2007) 4 SCC 566
4. (2007) 4 SCC 566

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.NO. 2142 OF 2023

Majji Guru Naidu

..... Petitioner

And:

The State of A.P., and Others.

...Respondents

DATE OF JUDGMENT RESERVED : 07.07.2026

DATE OF JUDGMENT PRONOUNCED : 29.07.2026

DATE OF JUDGMENT UPLOADED : 04.08.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of order may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

JUSTICE BALAJI MEDAMALLI

Date of reserved for orders : 07.07.2026
 Date of pronouncement : 29.07.2026
 Date of uploading : 04.08.2026

APHC010042722023



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

[3573]

WEDNESDAY, THE 29th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 2142/2023

Between:

1. MAJJI GURU NAIDU, S/O. CHINNAMA NAIDU AGED 52 YEARS,
 OCC. RESERVE INSPECTOR, PRESENTLY WORKING AT 11TH
 BATTALION, APSP BHAKARAPET, KADAPA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL
 SECRETARY, HOME DEPARTMENT, SECRETARIAT, VELAGAPUDI,
 AMARAVATHI, GUNTUR DISTRICT.

2. THE INSPECTOR GENERAL OF POLICE TRAINING, HFAC OF
 A.D.G.P. (PERSONNEL), MANGALAGIRI, GUNTUR DISTRICT.

3. THE DEPUTY INSPECTOR GENERAL OF POLICE III, APSP BN.,
 KURNOOL DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus aggrieved by the proceedings vide Rc.No.02/PR/2018, R.O.O.No.367/2018 Dt.09.09.2018 on the file of the of 3rd respondent, wherein imposed a major punishment of RTSP by one stage for a period of one year with effect on future increments and pension and proceedings vide

Rc.No.A3/04/Appea1/2019, R.O.O.No.454/2019 Dt.16.08.2019 and D.Dis.No. 209/T3/2020 Dt.19.09.2022 on the file of the 2nd respondent where in rejection of Appeal and Revision of the petitioner as illegal, arbitrary, discriminatory, disproportionate and unreasoned and to set aside the same and consequently direct the respondents to release all consequential benefits including that treating the suspension period from 27.05.2015 to 25.11.2015 as on duty and to pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the impugned proceedings vide Rc.No.02/PR/2018, R.O.O.No.36712018 Dt.09.09.2018, proceedings vide Rc.No.A3/04/Appeal/2019, R.O.O.No.454/2019 Dt.16.08.2019 and vide D.Dis.No.209/T3/2020 Dt.19.09.2022 and to pass

Counsel for the Petitioner:

1.HARINATH REDDY SOMAGUTTA

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**WRIT PETITION NO: 2142/2023****ORDER:**

1. This Writ Petition is filed challenging the proceedings in Rc.No.02/PR/2018, R.O.O.No.367/2018, dated 09.09.2018, issued by the respondent No.3, whereby the petitioner was imposed with the major punishment of reduction in the time scale of pay by one stage for a period of one year, with cumulative effect on his future increments and pension, besides treating the period of suspension of 182 days, from 27.05.2015 to 25.11.2015, as 'Not on Duty', which was confirmed by the Appellate authority vide proceedings in Rc.No.A3/04/Appeal/2019 (HOO.No.454/2019), dated 16.08.2019, and was thereafter affirmed in revision vide D.Dis.No.2019/T3/2020, dated 19.09.2022.

2. The facts leading to the imposition of the aforesaid punishment upon the petitioner are that, the petitioner was initially recruited as a Reserve Sub-Inspector on 02.10.1999. Thereafter, in June 2009, he was promoted to the post of Reserve Inspector. While serving as a Reserve Inspector, a charge memo vide proceedings in Rc.No.06/OE-PR/2015, dated 16.12.2015 was issued and served upon the petitioner, framing the following charges against him:

Sri M. Guru Naidu has been working as R.I in 16th Bn APSP Visakhapatnam, while discharging duties in "D" coy, Sri L. Govindarao, ARSI 237 is working as Armourer of "HQ" coy and visited "D" coy of 16th Bn APSP deployed at AG colony, Hyderabad on 12.10.2014 for Arms

Inspection. At about 8.30 AM while arms were being cleaned, PC 432 Sri J.Surapu Naidu, without taking proper care and caution, failed to detach the loaded magazine and mishandled it duly pressing the trigger, with the result there was a misfire of two rounds of 7.62 mm SLR in to the Air. Even though the incident was informed by GD I/c of , Sri P.Chandra Rao, RSI, Sri B. Ganapathi, ARSI 59 (Coy Major), Sri L. Govinda Rao, ARSI 237, (Armourer), Sri P. Ramanadham PC 891 and Sri J. Surapu Naidu, PC 432 to their officer commanding of "D" coy who stayed at Bn Hqrs over phone. But officer commanding "D" coy has not taken any suitable and legitimate action and also not informed to his superior officers and kept the higher authorities completely in darkness about the entire episode and intentionally hide the fact of the incident happened at Hyderabad. He assured that he would manage the Asst. Commandant and Commandant for which he demanded a monetary consideration of Rs.50,000/-. Later Both RSI, P. Chandra Rao, and ARSI 59 B.Ganapathi secured the presence of all the staff got them assembled and instructed them not to reveal the fact of misfire of two rounds to anybody and further threatened, that if this information is leaked out to anybody they would go to an extent of implicating them also. They took promises from them that they would not reveal the incident to anybody. Later officer Cominanding "D" coy returned to the coy Hqrs at Hyd from the Bn Hqrs Visakhapatnam. Subsequently PC 432 Sri Surapu Naidu, has bargained and agreed with the officer commanding of "D" to handing over an amount of Rs.30,000/-. After lapses of two months on 18-12-2014, the Commandant, 16th Bn APSP has ordered for P.E to be conducted by appointing Sri K.Naveen Kumar, Asst Commandant of 16th Bn AFSP I/c of D coy. Even after ordering of P. E the PC 432 Surapu Naidu, has demanded to return of Rs.30,000/- to his officer commanding of "D" coy. Subsequently OC "D" coy did not repay and questioned him that he did not received any amount from him.

Thus Sri M. Guru Naidu, R.I being an officer of the disciplined force, has adopted the above irregularities, slack supervision, and poor administration as R.I which is not tolerable under any circumstances in the high disciplined Para military force like APSP, thereby violated rule (3) of APCS Conduct rules 1964.

3. Pursuant to the aforesaid charge memo, the petitioner submitted his explanation on 02.03.2016. Thereafter, Sri Ch. Vijayarao, Commandant, 5th Battalion, APSP, Vizianagaram, was appointed as the enquiry officer, who conducted a detailed enquiry and submitted his report on 13.04.2017. Subsequently, in accordance with the prescribed procedure, a notice was issued to the petitioner calling upon him to submit his further representation within a period of 15 days from the date of receipt of the said notice, which was received by him on 16.07.2016. Pursuant to which, the petitioner submitted his further representation dated 14.09.2016 before the Disciplinary Authority. After considering the enquiry report and the further representation submitted by the petitioner, the Disciplinary Authority i.e., respondent No.3, passed the impugned order dated 09.09.2018, imposing punishment upon the petitioner as referred to above. Aggrieved by the said order, the petitioner preferred an appeal before the respondent No.2. The said appeal was dismissed on 16.08.2019, as the appeal petition is time barred and the respondent No.2 also considered the case on merits and, upon being satisfied with the order passed by the Disciplinary Authority, confirmed the punishment imposed vide order dated 09.09.2018. Aggrieved by the appellate order, the petitioner approached the Revisional Authority i.e., respondent No.1 herein, and availed the remedy of revision. The said revision was also dismissed by the Inspector General of Police (Training) HFAC of ADGP, (Personnel), Mangalagiri, A.P, vide proceedings in D.Dis.No.209/T3/2020, dated 19.09.2022.

4. Aggrieved by the punishment imposed upon him and the same having been confirmed by the Appellate and Revisional Authorities, the petitioner has filed the present Writ Petition challenging the said orders.

5. Heard Sri S. Harinath Reddy, learned counsel appearing for the petitioner, and learned Assistant Government Pleader for Services-I appearing for the respondents.

6. The principal contention advanced by the learned counsel appearing for the petitioner is that the charge framed against the petitioner is vague and lacks clarity. The charge merely refers to the alleged inaction, complacent behavior and attitude, and slack supervision on the part of the petitioner in relation to the alleged concealment of facts pertaining to the misfire of two rounds of 7.62 mm SLR in D' Coy at Hyderabad on 12.10.2014. Insofar as the allegation regarding the demand of money for concealing the fact of misfire of two rounds of 7.62 mm SLR in D' Coy at Hyderabad on 12.10.2014 is concerned, no specific charge was framed against the petitioner, as such, the enquiry conducted into such an allegation travelled beyond the scope and ambit of the articles of charge framed against the petitioner. The Disciplinary Authority, Appellate Authority and the Revisional Authority have miserably failed to consider the same.

7. The learned counsel for the petitioner further contends that once the charge itself is vague, ambiguous and lacks specificity, any findings recorded on the basis of such a charge cannot be relied upon. The Disciplinary

Authority, the Appellate Authority and the Revisional Authority failed to appreciate this crucial aspect and proceeded to impose a major penalty without taking into consideration that the enquiry officer went beyond the scope and ambit of the articles of charge while recording the findings. As such, impugned order of the Disciplinary Authority, as affirmed by the Appellate and Revisional Authorities, is vitiated and liable to be set aside.

8. The learned counsel for the petitioner also drawn the attention of this Court to the findings recorded by the enquiry officer and submitted that in the enquiry report, the enquiry officer recorded that the petitioner initially demanded an amount of Rs.50,000/- and subsequently settled the amount at Rs.30,000/- towards concealment of the misfire incident. The learned counsel further relied upon the call detail record submitted by the RSI, contended that the same is only a statement made without any basis regarding the information passed on to the petitioner about the incident and the further allegation that he instructed constable PC 432 to contact him over the phone is also has no purpose, as no material is placed to establish the said fact. No evidence is placed to establish the said fact i.e., call recording or voice mails. The Constable PC 432, in his statement, deposed that he informed the petitioner over phone about the misfire incident immediately after its occurrence, upon which the petitioner assured him that he would manage the Commandant and Assistant Commandant and demanded Rs.50,000/- as consideration, which was subsequently settled at Rs.30,000/-. It was also stated that PC 432 had drawn the said amount from his brother-in-law's

account and handed it over to the petitioner, who was then serving as the Reserve Inspector are all mere statements without any valid proof. In fact, during cross examination, the petitioner was confronted with the inconsistency between his statement recorded during the preliminary enquiry and the explanation submitted by him to the DIG. In the preliminary enquiry, the petitioner stated that he came to know about the misfire incident in the first week of December, whereas, in his explanation to the DIG, he stated that he became aware of the incident through a constable three weeks after its occurrence. However, he neither disclosed the name of the said constable nor could recall his identity when questioned in that regard. In reply to the same, petitioner had taken a stand that due to paucity of time, he could not remember the same.

9. It was the further case of the petitioner that in the first week of December, 2014, the Commandant, 6th Battalion, APSP, called him to his chamber and informed him that he came to know about the misfire incident in the company and questioned whether the petitioner was aware of the same. The petitioner stated that he had no knowledge of the incident, that he was not concerned with the same, and that he was not on GD charge at the relevant time, and requested the Commandant to keep silent. Thus, the said statement itself indicates that, by the first week of December, 2024, the petitioner was aware of the misfire incident. Despite having knowledge of the incident, the same was not brought to the notice of the higher authorities for the reasons best known to him. Further, in the explanation submitted to the DIG, the

petitioner took a contrary stand by stating that he came to know about the incident only after three weeks through a constable, whose name was not disclosed. The Enquiry Officer, after considering the statements of the witnesses, the cross-examinations, and the material evidence available on record, arrived at the conclusion that the charge against the petitioner, namely, exhibiting inaction, complacent behaviour and attitude, and slack supervision by concealing the facts relating to the misfire of two rounds of 7.62 mm SLR in D' Coy at Hyderabad on 12.10.2014, was proved.

10. Based on the aforesaid enquiry report, a notice was issued to the petitioner calling upon him to submit his further explanation. Pursuant to which, he submitted a representation dated 14.09.2016, wherein he failed to offer any plausible explanation to the charges leveled against him and merely pointed out certain alleged deficiencies in the enquiry report. Upon considering the said representation, the Disciplinary Authority passed an order imposing the punishment of reduction of time scale of pay (RTSP) by one stage for a period of one year with cumulative effect on his future increments and pension, apart from treating the suspension period of 182 days as not on duty.

11. Aggrieved by the proceedings of the Disciplinary Authority, the petitioner preferred an appeal. The Appellate Authority, vide orders dated 16.08.2019, considered the appeal and held that the same was barred by limitation. However, the Appellate Authority also examined the contentions raised by the petitioner and found them to be unconvincing. It was observed

that, being the Officer Commanding, the petitioner had failed to bring the facts relating to the misfire of two rounds to the notice of his superior officer. Accordingly, the Appellate Authority held that the punishment imposed by the Disciplinary Authority was appropriate and commensurate with the lapses committed by the petitioner and, therefore, dismissed the appeal.

12. Aggrieved thereby, the petitioner preferred a revision. However, the Revisional Authority, upon consideration of the same, dismissed the revision on the ground that no fresh grounds were raised and no additional material was placed on record warranting interference with the orders passed by the disciplinary and appellate authorities. Accordingly, the revision was rejected.

13. The learned counsel for the petitioner placed reliance upon the following judgments in support of his submissions:

(i) **M.V. Bijlani v. Union of India**¹,

(ii) **Surath Chandra Chakrabarty v. State of W.B.**², and

(iii) **Inspector Prem Chand v. Govt. of NCT of Delhi**³.

14. The aforesaid judgments relied upon by the learned counsel for the petitioner were cited for the proposition that the charges leveled against an employee must be specific and should contain clear particulars of the allegations made against him. However, in the present case, the charge framed against the petitioner was vague and lacked specific details, and

¹ (2006) 5 SCC 88

² (1970) 3 SCC 548

³ (2007) 4 SCC 566

therefore, the entire disciplinary proceedings initiated against him stand vitiated.

15. In support of the aforesaid proposition, the learned counsel for the petitioner placed upon the judgment of the Hon'ble Supreme Court in **M.V.**

Bijlani v. Union of India, wherein it held as under:

14. From a perusal of the enquiry report, it appears to us that the disciplinary authorities proceeded on a wrong premise. The appellant was principally charged for non-maintenance of ACE-8 Register. He was not charged for theft or misappropriation of 4000 kg of telegraph copper wire or misutilisation thereof. If he was to be proceeded against for misutilisation or misappropriation of the said amount of copper wire, it was necessary for the disciplinary authority to frame appropriate charges in that behalf. Charges were said to have been framed after receipt of a report from CBI (Anti-Corruption Bureau). It was, therefore, expected that definite charges of misutilisation/misappropriation of copper wire by the appellant would have been framed. The appellant, therefore, should have been charged for defalcation or misutilisation of the stores he had handled if he was to be departmentally proceeded against on that basis. The second charge shows that he had merely failed to supervise the working of the line. There was no charge that he failed to account for the copper wire over which he had physical control.

15. It will bear repetition to state that the charges which were framed related to only non-maintenance of ACE-8 Register and non-supervision of working of the line. In the absence of any charge that he had in fact misappropriated copper wire for his own benefit out of the disposal thereof, the question as regards purported misconduct by way of misutilisation of 4000 kg of copper wire could not have been gone into. Furthermore, it has not been shown that ACE-8 Register was required to be maintained in an appropriate form or in a particular manner i.e. in bound form or in loose sheets.

.....

18. The Appellate Authority totally ignored the evidences adduced before the disciplinary authority and in particular the evidence of Shri K.C. Sariya in favour of the appellant in this behalf. The Appellate Authority was required to apply its mind on the materials placed on record. It failed to take into consideration that the disciplinary authority purported to have relied upon the police report which was not proved.

.....

16. Learned counsel for the petitioner also placed reliance on the judgment in **Surath Chandra Chakrabarty v. State of W.B.**, wherein the Calcutta High Court held that:

5. The learned Judge found that the Enquiry Officer, S.K. Gupta, was biased against the appellant before he held the enquiry. It was further found that no particulars and other necessary details were given in the charges and they were vague resulting in non-compliance with Rule 55 of the Civil Services (Classification, Control and Appeal) Rules and the necessary particulars were not supplied in spite of the repeated objections of the appellant to the charges being vague and indefinite.:

“Regarding the first charge, I beg to submit that the allegation is vague. In the charge it has not been specifically stated as to where, when and before whom I circulated false rumours, regarding retrenchment policy of the Government and thereby spread insubordination. In fact if one goes through the statements of PWs made to D.F.S. as submitted before my suspicion, it will appear that no specific case could have made with all material particular as to date, time and person. Having been able to take deposition and to conduct enquiry keeping me in dark and finally put me out of office, Sri S. Bose was able to win over the witnesses and was able to shape his case to suit his purpose.”

17. Further, the learned counsel for the petitioner placed reliance on the judgment of the Hon’ble Supreme Court in **Inspector Prem Chand v. Govt. of NCT of Delhi**⁴, wherein it held as under:

12. It is not in dispute that a disciplinary proceeding was initiated against the appellant in terms of the provisions of the Delhi Police (Punishment and Appeal) Rules, 1980. It was, therefore, necessary for the disciplinary authority to arrive at a finding of fact that the appellant was guilty of an unlawful behaviour in relation to discharge of his duties in service, which was wilful in character. No such finding was arrived at. An error of judgment, as noticed hereinbefore, per se is not a misconduct. A negligence simpliciter also would not be a misconduct. In

⁴ (2007) 4 SCC 566

Union of India v. J. Ahmed [(1979) 2 SCC 286] whereupon Mr Sharan himself has placed reliance, this Court held so stating:

“11. Code of conduct as set out in the Conduct Rules clearly indicates the conduct expected of a member of the service. It would follow that conduct which is blameworthy for the government servant in the context of Conduct Rules would be misconduct. If a servant conducts himself in a way inconsistent with due and faithful discharge of his duty in service, it is misconduct (see Pearce v. Foster [(1886) 17 QBD 536, 542 : (1886-90) All ER Rep Ext 1752]). A disregard of an essential condition of the contract of service may constitute misconduct [see Laws v. London Chronicle (Indicator Newspapers [(1959) 1 WLR 698])]. This view was adopted in Shardaprasad Onkarprasad Tiwari v. Divisional Supdt., Central Rly., Nagpur Division, Nagpur [(1959) 61 Bom LR 1596] and Satubha K. Vaghela v. Moosa Raza [10 Guj LR 23] . The High Court has noted the definition of misconduct in Stroud's Judicial Dictionary which runs as under:

‘Misconduct means, misconduct arising from ill motive; acts of negligence, errors of judgment, or innocent mistake, do not constitute such misconduct’.”

(emphasis supplied)

15. A finding of fact was arrived at that the accused did not make demand of any amount from the complainant and thus no case has been made out against him. This Court in Zunjarrao Bhikaji Nagarkar v. Union of India [(1999) 7 SCC 409 : 1999 SCC (L&S) 1299] has categorically held: (SCC p. 430, para 42)

“42. Initiation of disciplinary proceedings against an officer cannot take place on information which is vague or indefinite. Suspicion has no role to play in such matter. There must exist reasonable basis for the disciplinary authority to proceed against the delinquent officer. Merely because penalty was not imposed and the Board in the exercise of its power directed filing of appeal against that order in the Appellate Tribunal could not be enough to proceed against the appellant. There is no other instance to show that in similar case the appellant invariably imposed penalty.”

18. Placing reliance on the judgments cited above, the learned counsel for the petitioner submitted that the articles of charge are vague and devoid of material particulars, particularly with regard to the amount of bribe allegedly

demanding from the probationary constable. In the absence of such essential details in the articles of charge, the enquiry conducted has travelled beyond the scope of the charge framed. The learned counsel further submitted that, while examining the validity of the disciplinary proceedings, only the articles of charge can be taken into consideration and the reasons, explanations, or materials sought to be relied upon in support of the charges cannot be looked into to supplement the deficiencies in the charges.

19. Learned counsel for the petitioner further submitted that neither the contents of the alleged phone calls were produced nor the voice messages were placed on record. The other four officers, who were also proceeded against and punished in respect of the alleged incident, were present at the relevant point of time, whereas the petitioner was not present at the place of incident and the petitioner was away from the company and was at Visakhapatnam for attending a conference, and therefore, he was not aware of the alleged incident. That apart, learned counsel submitted that no loss was caused to the state on account of the alleged misconduct and, in such circumstances, the punishment imposed on the petitioner is grossly disproportionate to the nature of the allegations leveled against him.

20. On the contrary, the Learned Assistant Government Pleader appearing for the respondents submitted that the judgments relied upon by the writ petitioner do not draw any distinction between the charge and the basis of charge. The articles of charge cannot be construed as a mere simple charge, but have to be read along with the statement of imputations/basis of charge,

which forms an integral part thereof. The petitioner, having understood the articles of charge along with the basis of charge as a composite charge, submitted his explanation denying the alleged money transaction. This itself indicate that the petitioner had treated the basis of charge as part and parcel of the charge, and therefore, the same cannot be read in isolation.

21. With regard to the charge of concealment of the fact relating to the misfire of two rounds of 7.62 mm SLR in D' Coy at Hyderabad on 12.10.2014, the stand taken by the petitioner during the preliminary enquiry and subsequently in his representation submitted before the DIG clearly establishes that he was aware of the said incident as on the date of its occurrence. However, he failed to bring the same to the notice of the higher authorities and remained silent for the reasons best known to him. The averment regarding the petitioner's knowledge of the misfire incident is further substantiated by the fact that the petitioner was informed about the incident by the constable over mobile phone, as stated before the enquiry officer. The call details evidencing the communication between the Constable and the petitioner were also produced before the enquiry officer, and the same remained unrebutted. Thus, the stand taken by the petitioner regarding his lack of knowledge of the incident cannot be accepted. In the circumstances, the enquiry officer arrived at the irresistible conclusion that the charge leveled against the petitioner stood proved.

22. The learned Assistant Government Pleader also brought to the notice of this Court that in the defence statement, the petitioner had neither denied the

phone calls nor offered any plausible explanation to rebut the findings of the enquiry report. The burden lies upon the petitioner to disprove the findings of the enquiry officer. Since the findings recorded by the enquiry officer are not under challenge on any specific grounds, this Court, while exercising its jurisdiction under Article 226 of the Constitution of India, cannot re-appreciate the evidence adduced before the enquiry officer or sit as an appellate authority over the findings recorded in the departmental enquiry. The petitioner had not raised any serious objections with regard to the enquiry report either before the Disciplinary Authority, in his representation submitted against the findings, or before the Appellate Authority in his appeal, or before the Revisional Authority in the grounds of revision. Thus, the petitioner cannot now be permitted to raise objections regarding the findings of the enquiry officer. The inconsistency between the stand taken by the petitioner during the preliminary enquiry, i.e., his initial explanation, and the explanation submitted pursuant to the notice issued by the Disciplinary Authority after receipt of the enquiry report, clearly establishes his involvement in the alleged misconduct. As such, there are no merits in considering the case of the writ petitioner and is liable to be dismissed.

23. Having considered the submissions made on either side, perused the records placed before this Court, and the judgments relied upon by the petitioner, this Court finds that the enquiry officer has categorically dealt with all the evidence available against the petitioner and arrived at a conclusion that the writ petitioner had intentionally withheld and concealed the information

regarding the misfire incident, despite having knowledge of the same. The findings recorded by the enquiry officer disclose that the petitioner was informed about the incident by RSI Sri P.Chandra Rao through his mobile phone, as stated in his evidence before the enquiry officer. The call detail records produced by him in support of such communication also remained un rebutted. The said evidence, coupled with the statement given by the petitioner during the preliminary enquiry and the explanation submitted by him subsequent to the enquiry report, clearly establishes that the petitioner was aware of the misfire incident and had deliberately failed to bring the same to the notice of the higher authorities. It is pertinent to note that a person belonging to the Armed Forces is expected to maintain the highest standards of discipline, diligence, and responsibility while discharging his duties. Any act of negligence, slackness, complacency, or indifferent attitude in the performance of duties cannot be countenanced, particularly when it relates to withholding information regarding an incident of such nature. This Court, upon considering the entire material available on record, does not find any reasonable grounds to interfere with the order passed by the Disciplinary Authority imposing the punishment of reduction of time scale of pay (RTSP) by one stage for a period of one year with cumulative effect on future increments and pension, besides treating the suspension period of 182 days, from 27.05.2015 to 25.11.2015, as "Not on Duty", which was subsequently confirmed by the Appellate Authority and the Revisional Authority vide

proceedings in Rc.No.A3/04/Appeal/2019 (HOO.No.454/2019), dated 16.08.2019, and D.Dis.No.2019/T3/2020, dated 19.09.2022, respectively.

24. In view of the above, this Court finds no grounds to interfere with the impugned orders. Accordingly, the Writ Petition is ***dismissed***. There shall be no order as to costs.

Interim orders, if any, granted earlier shall stand vacated, and all pending miscellaneous petitions, if any, shall stand closed.

JUSTICE BALAJI MEDAMALLI

Date: 29.07.2026
SAK

Whether the order is:

Speaking	☒	Reasoned	☒
Reportable	☒	Non-reportable	

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 2142/2023

Date: 29.07.2026

SAK