Date of reserved for orders: ------
Date of pronouncement : 07.07.2026
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APHC010523682023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3573]**
(Special Original Jurisdiction)

TUESDAY, THE 7th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 27183/2023

Between:

1. HENRY KUMAR, S/O. JEEVARATNAM, AGED ABOUT 63 YEARS, DEPUTY DIRECTOR OF MARKETING (RETD.), R/O. H.NO.24-209/1, USHANAGAR COLONY, C.G.PALLI POST, CHITTOOR DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, REP., BY ITS PRINCIPAL SECRETARY, AGRICULTURE AND CO-OPERATION (VIG.II) DEPARTMENT, SECRETARIAT AT VELAGAPUDI, GUNTUR DISTRICT.
2. THE COMMISSIONER AND DIRECTOR OF AGRICULTURAL MARKETING, GOVT. OF A.P., GUNTUR, GUNTUR 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 in the nature of Mandamus or any other appropriate writ, order or direction, by declaring the proceedings of the 1st respondent bearing G.O.Rt.No.262, Agriculture and Cooperation (Vig.II) Department, dt.18-04-2023, a Charge Memo, initiation of disciplinary proceedings, nearly after lapse of about 3 years from the date of his retirement i.e. 30-06-2020 and its continuance and consequential proceedings of the 2nd respondent bearing D.Dis.No.P-2-18021/26/2020, dt. 14-09-2023, modifying the regular pension, to that of provisional pension, though he had drawn the entire retirement

benefits in pursuance of the 2nd respondent dt.26-06-2020, as illegal, arbitrary and unconstitutional being violative of Articles 14, 16 and 21 of Constitution of India, contrary to law laid down by the Hon'ble Supreme Court as well as G.O.Ms.No.679, G.A. (Services-C) Dept., dt.1-11-2008 and set aside the same in the interest of justice 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 proceedings of the Respondents 1 and 2 bearing G.O.Rt.No.262, Agriculture and Co-operation (Vig.II) Department, dt.18-04-2023 and proceedings bearing D.Dis.No.P-2-18021/26/2020, dt.14-09-2023, respectively, pending final disposal of the main W.P., and to pass

Counsel for the Petitioner:

1. S GOPAL RAO

Counsel for the Respondent(S):

1. GP FOR SERVICES II

The Court made the following:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

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ORDER:

1. This Writ Petition is filed challenging G.O.Rt.No.262, Agriculture & Co-operation (Vig.II) Department, dated 18.04.2023, whereby disciplinary proceedings were initiated against the petitioner by issuing a charge memo, despite the petitioner having retired from service on 30.06.2020, and the continuance of the said proceedings, including the consequential proceedings issued by respondent No.2 in D.Dis.No.P-2-18021/26/2020, dated 14.09.2023.

2. The grievance of the petitioner is that, while he was working as Deputy Director of Marketing, O/o Commissioner and Director of Agricultural Marketing, Guntur, certain charges were framed against him alleging that he had processed the service pension proposal of Smt. G. Sakunthala, Junior Marketing Supervisor, AMC, Proddatur. During scrutiny, it was noticed that an excess amount had been paid to the said Smt. G. Sakunthala. On the said basis, the petitioner was charged with gross negligence and failure to maintain absolute integrity, devotion to duty, and conduct unbecoming of the public servant, thereby contravening Rule 3 of the A.P.C.S. (Conduct) Rules, 1964. Pursuant to the issuance of charge memorandum, the petitioner submitted his explanation on 23.01.2023. However, the disciplinary proceedings are still pending and have not attained finality.

3. Pursuant to the initiation of the disciplinary proceedings, the respondent authorities discontinued payment of regular pension and have been paying only provisional pension to the petitioner in terms of the proceedings dated 22.07.2022. The main grievance of the petitioner is that, although the disciplinary proceedings were initiated as early as 18.04.2023, the enquiry has not been concluded till date. Though the petitioner has raised several grounds challenging the initiation of disciplinary proceedings for recovery of the excess amount allegedly paid to a retired employee, the learned counsel for the petitioner has confined the relief sought to a direction to the respondent authorities to conclude the disciplinary enquiry within the stipulated period envisaged under G.O.Ms.No.679, General Administration (Services-C) Department, dated 01.11.2008, as reiterated in G.O.Ms.No.91, General Administration (Services-C) Department, dated 12.09.2022.

4. Having regard to the aforesaid submission made by the learned counsel for the petitioner, and upon hearing the learned Assistant Government Pleader, this Court deems it appropriate to direct the respondent authorities to conclude the disciplinary proceedings initiated pursuant to G.O.Rt.No.262, Agriculture & Co-operation (Vig.II) Department, dated 18.04.2023, as expeditiously as possible and, in any event, within a period of four (04) months from the date of receipt of a copy of this order.

5. It is further made clear that, in the event the respondent authorities fail to conclude the disciplinary proceedings within the aforesaid period without any justifiable reason attributable to the petitioner, the petitioner shall be

entitled to payment of full regular pension, notwithstanding the pendency of the disciplinary proceedings, subject to the final outcome thereof and in accordance with law.

6. Accordingly, the Writ Petition is ***disposed of*** with the above directions. 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: 07.07.2026
SAK

Whether the order is:

Speaking	☑	Reasoned	
Reportable		Non-reportable	☑

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 27183/2023

Date: 07.07.2026

SAK