APHC010307382026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3460]
(Special Original Jurisdiction)

MONDAY,THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 16128/2026

Between:

1. BOYA SREENIVASULU, AGED 40 YEARS, S/O. B. THIPPESWAMY, OCC POLICE CONSTABLE (PC-1776), KIA INDUSTRIAL POLICE STATION, PENUKONDA, SRI SATYA SAI DISTRICT - 515164 R/O. DODAGATTA VILLAGE, KALYANDURGAM MANDAL ANANTHAPURAMU DISTRICT - 515761

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT BUILDING, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522238
2. THE DIRECTOR GENERAL OF POLICE, STATE OF ANDHRA PRADESH, A.P. POILCE HEAD QUARTERS AT MANGALAGIRI GUNTUR DISTRICT - 522503
3. THE INSPECTOR GENERAL OF POLICE, RAYALASEEMA RANGE, KURNOOL, KURNOOL DISTRICT - 518004
4. THE DEPUTY INSPECTOR GENERAL OF POLICE, RAYALASEEMA RANGE, KURNOOL, KURNOOL DISTRICT - 518002
5. THE SUPERINTENDENT OF POLICE, PUTTAPARTHI, SRI SATYA SAI DISTRICT - 515134

6. THE DEPUTY SUPERINTENDENT OF POLICE SDPO, PENUKONDA, PENUKONDA MANDAL, SRI SATYA SAI DISTRICT - 515110
7. THE SUBINSPECTOR OF POLICE, PENUKONDAPOLICE STATION, PENUKONDA SRI SATYA SAI DISTRICT - 515110
8. THE SUBINSPECTOR OF POLICE, , KIA INDUSTRIAL POLICE STATION, PENUKONDA, SRI SATYA SAI DISTRICT - 515164

...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 particularly one in the nature of writ of Mandamus, declaring the action of respondents, more particularly, the 5th respondent in issuing the impugned proceedings vide C.No.4553/OE/A6/PR/2021, dated 27-11-2025, to conduct inquiry against the petitioner and further proceeding with disciplinary proceedings against the petitioner by issuing Article of Charges pending criminal trial in C.C. No.85 of 2024 on the file of the Hon'ble Principal Judicial I Class Magistrate, Penukonda, Sri Satya Sai District, arising out of a crime registered vide FIR No.231 of 2021, dated 10-08-2021 of Penukonda Police Station, without looking into the fact that the charges in the criminal case and in the disciplinary proceedings are one and the same and the material documents and oral evidence are also one and the same in both the proceedings, as illegal, arbitrary, unlawful and violative of Articles 14, 16, 20 and 21 of the Constitution of India, and consequently direct the respondents herein not to proceed any further with disciplinary proceedings against the petitioner pursuant to the impugned proceedings vide C.No.4553/OE/A6/PR/2021, dated 27-11-2025 till finalization of criminal trial in C.C. No.85 of 2024 on the file of the Hon'ble Principal Judicial I Class Magistrate, Penukonda, Sri Satya Sai District and to pass

IA NO: 1 OF 2026

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 stay all further proceedings pursuant to impugned proceedings in C.No.4553/OE/A6/PR/2021, dated 27-11-2025 issued by 5th respondent pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1. YATTAPU BHARATH KUMAR REDDY

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.16128 of 2026

ORDER :

This writ petition is filed declaring the action of the Respondent–authorities in initiating parallel disciplinary proceedings against the Petitioner vide C.No.4553/OE/A6/PR/2021 dated 27.11.2025, pending C.C.No.85 of 2024 on the file of Principal Judicial I Class Magistrate, Penukonda, Sri Satya Sai District, as arbitrary and illegal.

2. The facts relevant to the purpose of this case are as under:

The Petitioner while working as Constable of District Special Branch of Roddam and Prigi Police Stations, based on a complaint, Cr.No.231 of 2021dated 10.08.2021 was registered against the Petitioner under Sections 34(A), 50 of the Andhra Pradesh Excise Act. Basing on the FIR, departmental proceedings were initiated and the Petitioner was suspended from service on 12.08.2021. Thereafter, vide proceedings dated 27.11.2021 the suspension order was revoked. The FIR was taken cognizance by the Court and was numbered as C.C.No.85 of 2024 on the file of Principal Judicial I Class Magistrate, Penukonda, Sri Satya Sai District.

3. Learned counsel for the Petitioner submits that parallelly, pending the said criminal case, the 5th Respondent has initiated disciplinary proceedings and issued impugned proceedings vide C.No.4553/OE/A6/PR/2021 dated 27.11.2025. The Petitioner further submits that the criminal case and the disciplinary case are with respect to the same incident and it will cause prejudice to the Petitioner. He placed reliance on the judgment of the Hon'ble Supreme Court in ***M.Paul Anthony v. Bharat Gold Mines Limited***[1].

4. Learned Assistant Government Pleader would submit that there is no bar to proceed with the enquiry simultaneously and placed reliance on the judgment of the Hon'ble Supreme Court in ***Secretary, Lucy Sequeira Trust and Another v. Kailash Ramesh Tandel and Others***[2]***.***

5. ***Reasoning***: The departmental proceedings were initiated against the Petitioner based on his involvement in Cr.No.85 of 2024 dated 10.08.2021. The list of witnesses mentioned in Annexures and the list of witnesses in the charge sheet are almost similar. The Hon'ble Supreme Court ***in State Bank of India and others v.***

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[1] 1999 (3) SCC 679

[2] (2019) 6 SCC 155

Neelam Nag and another[3], balancing the interest of department for expeditious conclusion of departmental enquiry as well as the prejudice of departmental enquiry on the criminal case affecting the delinquent, issued directions to the Sessions Court to complete the Criminal Trial as expeditiously as possible, not later than one year from the date of the order. Paragraphs 27 to 29 thereof are extracted below:

> ***27.*** *Accordingly, we exercise discretion in favour of Respondent 1 of staying the ongoing disciplinary proceedings until the closure of recording of evidence of prosecution witnesses cited in the criminal trial, as directed by the Division Bench of the High Court and do not consider it fit to vacate that arrangement straightaway. Instead, in our opinion, interests of justice would be sufficiently served by directing the criminal case pending against Respondent 1 to be decided expeditiously but not later than one year from the date of this order. The trial court shall take effective steps to ensure that the witnesses are served, appear and are examined on day-to-day basis. In case any adjournment becomes inevitable, it should not be for more than a fortnight, when necessary.*
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> ***28 .*** *We also direct that Respondent 1 shall extend full cooperation to the trial court for an early disposal of the trial, which includes cooperation by the advocate appointed by her.*

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[3] (2016) 9 SCC 491

> ***29.*** *If the trial is not completed within one year from the date of this order, despite the steps which the trial court has been directed to take, the disciplinary proceedings against Respondent 1 shall be resumed by the enquiry officer concerned. The protection given to Respondent 1 of keeping the disciplinary proceedings in abeyance shall then stand vacated forthwith upon expiry of the period of one year from the date of this order.*

6. In view of the above, the writ petition is disposed of with the following directions:

(i) The departmental proceedings initiated against the Petitioner vide C.No.4553/OE/A6/PR/2021 dated 27.11.2025 shall remain stayed for a period of one year from today.

(ii) The learned Principal Judicial I Class Magistrate, Penuukonda, Sri Satya Sai District, shall complete the trial in C.C.No.85 of 2024 pending on its file, as expeditiously as possible, preferably within a period of one year considering the fact that the departmental proceedings are stayed, pending disposal of the criminal case.

(iii) The Petitioner shall file a copy of this order before the concerned Court and shall co-operate for expeditious disposal of the criminal case.

(iv) If the trial is not concluded within the period of one year, the departmental proceedings can be proceeded with.

(v) No order as to costs.

As a sequel, the miscellaneous petitions if any shall stand dismissed.

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NYAPATHY VIJAY, J

Date: 22.06.2025

KLP