Date of reserved for orders :
Date of pronouncement :
Date of uploading :

APHC010549352026

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

FRIDAY, THE 16th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 30022 OF 2026

Between:

1. Gujjula Sreenivasulu, S/o Honnurappa Aged about 63 years, Occ Executive Engineer (Retired) R/o. Flat No.401, Dharani Sai Height Apartments, Balaji Nagar, VTC, Kurnool Town, Kurnool District.

...Petitioner

AND

1. The State of Andhra Pradesh, Represented by it's Principal Secretary to Government, Water Resources Department, Secretariat, Velagapudi, Amaravati, Guntur District.522237

2. The EngineerInChief, Water Resources Department Vijayawada AP.-522001

...Respondents

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 toissue a writ, order or direction more in the nature of Writ of Mandamus by declaring the impugned GO.Ms.No.34 Water Resources (Vig.II) Department Dated 07.09.2026 whereas sanctioned for enquiry under Rule 9 of AP Revised Pension Rules

1980 and GO.Rt.No.500 Water Resources (Vig.II) Department Dated 07.09.2026 whereby issued Article of charge to conduct enquiry under Rule 20 of APCS (CCA) Rules 1991 for the incidents pertains to 07.10.2012 to 15.09.2013 as illegal, arbitrary, violation of Rule 9 (2) (b) (ii) of AP Revised Pension Rules 1980, against Article 14,16 and 21 of the Constitution of India and contrary to the judgment rendered in WP.No 25846 OF 2025 dated 22.09.2025 and to set aside the same and consequently direct the respondents release retirement benefits pass such

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 stay of all further action of impugned GO.Ms.No.34 Water Resources (Vig.II) Department Dated:07.09.2026 whereas sanctioned for enquiry under Rule 9 of AP Revised Pension Rules 1980 and GO.Rt.No.500 Water Resources (Vig.II) Department Dated:07.09.2026 and pass such

Counsel for the Petitioner: HARINATH REDDY SOMAGUTTA

Counsel for the Respondents: GP FOR SERVICES II

The Court made the following order:

HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.30022 of 2026

ORDER:

The present Writ Petition is filed declaring the action of Respondent No.1 in initiating disciplinary proceedings against the Petitioner after his retirement by issuing G.O.Ms.No.34, dated 07.09.2026 and G.O.Rt.No.500 dated 07.09.2026 issuing Article of charge to conduct enquiry under Rule 20 of APCS (CCA) Rules,1991 as illegal and arbitrary.

2. The facts leading to filing of the present Writ Petition are as follows:

The Petitioner was appointed as Assistant Executive Engineer in the year 1993 and subsequently promoted as Deputy Executive Engineer in the year 2005 and as Executive Engineer in the year 2009. On attaining the superannuation, the Petitioner was retired from service on 31.07.2025. While so, charge memo vide G.O.Rt.No.500 dated 07.09.2026 was issued and also initiated departmental enquiry vide G.O.Ms.No.34 dated 07.09.2026.

3. Two Articles of Charges were framed against the Petitioner, which reads as under:

Article of charge-1:

That the said Sri G. Sreenivasulu (Retired) while functioning as Executive Engineer, MIW Division, Kurnool has check measured

the work and recommended the bill for payment despite poor quality of embankment work which resulted in occurrence of a breach in execution of work "Formation of MI Tank across Nallabandvanka near Guvvaladoddi Village of Yemmiganur Mandal in erstwhile Kurnool District." Thus, he has committed dereliction of duties, amounting to misconduct.

Article of charge-II:

That the said Sri G. Sreenivasulu (Retired) while functioning as Executive Engineer, in the aforesaid office has check measured the work and recommended the bill for payment despite inferior quality of CC work in HC Weir and sluices, resulting in rejection of work and thus caused loss of Rs. 10,37,000/- to the Government Exchequer in execution of the aforesaid work. Thus, he has committed dereliction of duties, amounting to misconduct.

4. The only ground urged by the Petitioner is that the impugned Charge Memorandum is contrary to Rule 9 (2) (b) (ii) of the A.P. Revised Pension Rules, which provides an outer limit of 4 years from the date of incident as the period of limitation within which the Charge Memorandum can be issued. In this case, the incident occurred in between the years 2011 and 2012 and Charge Memorandum was issued on 07.09.2026, i.e., more than 14 years from the date of incident.

5. Learned Government Pleader for Respondent Nos.1 and 2 on instructions, does not dispute the time gap in between the occurrence of incident and issuance of charge memorandum against the Petitioner.

6. Heard Sri S.Harinath Reddy, learned counsel for the Petitioner and learned Government Pleader for Services-I.

7. As per Rule 9 (2)(b)(ii) of the Andhra Pradesh Revised Pension Rules, 1980, the disciplinary enquiry can be initiated within 04 years from the date of the incident. Rule 9 (2) (b) of the A.P. Revision Pension Rules, 1980, reads as under:

> *9. Right of Government to withhold or withdraw pension :*
>
> *(2) (b) The Departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment:*
>
> *(i) shall not be instituted save with the sanction of the Government;*
>
> ***(ii) shall not be in respect of any event which took place more than four years before such institution;***
>
> *(iii) shall be conducted by such authority and in such place as the State Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government Servant during his service.*

8. As per the above provision, no enquiry can be initiated against a retired employee with reference to the incident which is four years prior to the date of issuance of the Charge Memorandum. The

impugned charge memorandum was issued after retirement of Petitioner on 07.09.2026. There is a delay of 14 years in issuing the Charge Memorandum to the Petitioner from the date of incident.

10. The Hon'ble Supreme Court while considering a similar provision i.e., Regulation 351-A of Civil Services Regulations in ***State of U.P. v. Shri Krishna Pandey[1],*** held that the incident of loss or misconduct should have happened four years from the date of institution of the proceedings. The relevant portion of the order is extracted below;

> *"But the events of misconduct etc. which may have resulted in the loss to the Government or embezzlement, i.e., the cause for the institution of proceedings, should not have taken place more than four years before the date of institution of proceedings.* ***In other words, the departmental proceedings must be instituted before lapse of four years from the date on which the event of misconduct etc. had taken place."***

11. As stated *supra*, the Charge Memorandum was issued on 07.09.2026 with reference to incidents that occurred in between the years 2011 to 2012 and the same cannot be sustained.

12. Therefore, the writ petition is allowed with following directions:-

(i) The impugned Charge Memorandums issued *vide* G.O.Rt.No.500 and G.O.Ms.No.34 dated 07.09.2026 are set aside.

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[1] ***(1996) 9 SCC 395***

(ii) There shall be no order as to costs.

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

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NYAPATHY VIJAY, J

Date: 16.10.2026
KLP