APHC010553072026

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

WEDNESDAY, THE 14th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 30142/2026

Between:

Chukka Ajay Kumar **...PETITIONER**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. T S N SUDHAKAR

Counsel for the Respondent(S):

1. GP FOR SERVICES IV

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 30142/2026

ORDER:

The Writ Petition is filed questioning the action of Respondents in not considering the case of the Petitioner for promotion to the post of Junior Assistant in terms of G.O.Ms.No.66 GA (Ser.C) Department, dated 30.01.1991, even though no Charge Memorandum or no Criminal Case is pending against the Petitioner as illegal and arbitrary.

2. The Petitioner is working as Tax Collector in the Respondent No.3 Corporation. While so, on account of certain allegations that the Petitioner was involved in morphing of pattas to get assessment in favour of land grabbers, a Show Cause Notice was issued. Not satisfied with the explanation, Petitioner was suspended from service on 14.10.2021. Thereafter, the Petitioner, the Petitioner was reinstated into service on 23.10.2021 and discharging duties as Tax Collector. The learned counsel further submits that, till date, no Departmental Enquiry has been initiated nor has any Criminal Case been filed against the Petitioner. Despite the absence of both, the Petitioner's case for promotion to the post of Junior Assistant was not considered. Aggrieved by the same, the Petitioner filed the present Writ Petition.

3. Learned counsel for the Petitioner submitted that since no charge memorandum is issued to the Petitioner, he is entitled to be considered for promotion in terms of G.O.Ms.No.66, General Administration (Ser.C) Department, dated 30.01.1991.

4. The learned Government Pleader would submit that the case of the Petitioner would be considered for promotion in terms of G.O.Ms.No.66, dated 30.01.1991.

5. Having heard the respective counsel, G.O.Ms.No.66, dated 30.01.1991 states that the promotion/appointment by transfer to a higher post should be deferred only when charges of misconduct are framed by the competent authority or a charge-sheet has been filed against him in Criminal Court. The relevant paragraph of the said Government Order is extracted hereunder:-

> *"Government, however, hereby direct that promotion/ appointment by transfer to a higher post in respect of officers who are facing disciplinary proceedings or a criminal case or whose conduct is under investigation and whose case falls under the group referred to in Para 2(iii) of the G.O first read above, shall be deferred, only when charge of misconduct are framed by the competent authority and served on the concerned Delinquent Officer; or a Charge-Sheet has been filed against him in Criminal Court, as the case may be."*

6. In view of the above, the Writ Petition is disposed of, with the following directions:-

(i) The Respondent-Authorities are directed to consider the case of the Petitioner for promotion to the post of Junior Assistant, taking note of G.O.Ms.No.66, dated 30.01.1991

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

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

JUSTICE NYAPATHY VIJAY

Date : 14.10.2026
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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WPNo.30142 of 2026

Dt.14-10-2026

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