

HIGH COURT OF ANDHRA PRADESH

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W.P.NO.30497 of 2025

DATE OF JUDGMENT PRONOUNCED: **11.02.2026**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY,J

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

NYAPATHY VIJAY,J

***THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

+ W.P.No.30497 of 2025

% 11.02.2026

Between:

G.Ravi Kumar, S/o Vijaya Prasad,
Age 60 Yrs., working as Special Grade Civil Surgeon,
ESI Hospital, Vijayawada.

...Petitioner

And

The State of Andhra Pradesh, rep. By its Special Chief Secretary
To Government Labour, Factories, Boilers and Insurance
Medical Services Department, A.P.Secretariat,
Velagapudi, Guntur District and another.

...RESPONDENT(S)

Counsel for the Petitioner : Sri Chilamkurthi

Counsel for the Respondent(S): G.P. for Services -II

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> Head Note:

? Cases Referred:

¹ (2005) 6 SCC 636 : 2005 SCC (L&S) 861

¹ 2021 (15) SCC 80

HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.No.30497 of 2025****O R D E R:**

The present writ petition is filed questioning the delay in concluding the long pending disciplinary proceedings initiated against the Petitioner vide G.O.Rt.No.165, Labour, Factories, Boilers, and IMS (IMS & VIG) Department, dated 11.05.2022 as illegal and arbitrary.

2. The facts leading to filing of the writ petition are as follows:

The Petitioner was initially appointed as Civil Assistant Surgeon on 12.02.1996 and posted at ESI Dispensary, Eluru. Subsequently, he was promoted as Joint Director on 19.09.2009 and further promoted as Special Grade Civil Surgeon on 03.05.2025 and is due to retire in early 2027. While so, disciplinary proceedings were initiated against the Petitioner vide impugned proceedings dated 11.05.2022, wherein two articles of charges were framed under Rule 22 of the A.P. C.S (CCA) Rules, 1991. The Petitioner submitted his written statement of defense on 26.05.2022, vide Rc.No.1727152/E1/2022 denying the charges. It is also stated in the affidavit that the charges are vague and unspecific and the grievance of the Petitioner is that

the State Government had issued G.O.Ms.No.679, G.A.D (Services-C) Department, dated 01.11.2008 specifying time limits for conclusion of the disciplinary proceedings. Subsequently, G.O.Ms.No.91, G.A.D (Ser.C) Department, dated 12.09.2022 was issued reiterating the time frame within which the disciplinary enquiry is to be concluded.

3. The Petitioner had earlier filed W.P.No.28832 of 2022 to quash the charge memorandum as the charges are vague in nature. This Court, by order dated 25.10.2024, disposed of the writ petition directing the Respondents to conclude the disciplinary enquiry as expeditiously as possible in terms of W.P.No.21762 of 2022. As the enquiry was not being concluded in spite of the time frame fixed, the present writ petition is filed.

4. This Court taking note of the writ petitions being filed for expeditious conclusion of the disciplinary enquiries and the impact the departmental proceedings are having on the career proceeds of the delinquents with regard to promotion, retirement benefits, postings etc., directed the Chief Secretary to file a report regarding the departmental enquiries pending as on date in various departments vide order dated 11.11.2025.

5. Pursuant thereto, an affidavit was filed by the Chief Secretary on 18.12.2025 on behalf of Respondent No.1 explaining the reasons for the delay caused in conclusion of the disciplinary enquiries. It is stated that the main reasons for the delay are **(i)** change in the list of the employees due to transfers, retirements and district re-structuring etc. **(ii)** Non-capturing of data related to employees on long leave, under suspension, un-authorized absence, on deputation to Foreign Service etc. **(iii)** merger/abolition of DDOs/HOOs, **(iv)** recruitment of new employees, **(v)** due to promotions, the disciplinary authority is changed i.e. upto the 1st level Gazetted, normally the Head of the Department is the disciplinary authority and for 2nd level and above Gazetted, the Government would be the disciplinary authority. **(vi)** Non-availability of files at a single place/source to upload the data i.e. files are pending at various levels like HOD/Govt/Vigilance Commission/APPSC/ACB and Courts etc., and **(vii)** Completion of disciplinary cases in the interregnum period.

6. It is stated that Memo No.FIN01-HROPDPP/(RAPT)/4/2023-2 dated 04.05.2023 was issued by the Finance Department, wherein it is stated the delay in conclusion

of the disciplinary actions is causing delay to the employees and pensioners and the Government to obtain accurate information regarding pendency of disciplinary cases against serving, non-serving and retired employees had called for information from Drawing and Disbursing Officers (DDOs) as a first step to enter information in the ***disciplinary cases data base (DCdB) in the website hosted by the Andhra Pradesh Centre for Financial Systems & Services (APCFSS)***. The DDOs were obligated to upload the data after getting approval from the Head of Office concerned and complete the data entry accurately.

7. It is stated that the information that is provided was further required to be validated and confirmed by the Secretaries of the Administration Departments of Andhra Pradesh, Secretariat. It is stated that as on 15.12.2025, **5,75,613** employees have been mapped by DDOs and among those employees, **1,222** employees data is yet to be validated by DDOs. The data of **4,900** employees is yet to be validated by the disciplinary authorities. Out of **5,70,713** employees whose status has been validated, it is stated that **5,424 number of disciplinary enquiries** are pending against various employees as per the

DDOs. The tabular statement of the pending departmental cases *vis-à-vis* the departments are extracted below:

SL.No.	NAME OF THE SECRETARIAT DEPARTMENT	No.OF CASES
1	Agriculture Marketing & Cooperation	221
2	Animal Husbandry, Dairy Development & Fisheries	24
3	Backward Classes Welfare	65
4	Consumer Affairs, Food and Civil Supplies	18
5	Energy & Infrastructure	1
6	Environment, Forests, Science & Technology	192
7	Finance	139
8	General Administration	40
9	Health Medical & Family Welfare	215
10	Higher Education	23
11	Home	1558
12	Industries & Commerce	84
13	Infrastructure & Investment	2
14	Labour, Factories, Boilers & Insurance Medical Services	40
15	Law	59
16	Legislature	1
17	Municipal Administration Urban Development	366
18	Panchayat Raj and Rural Development	301

19	Planning	7
20	Revenue	854
21	Secondary Education	247
22	Skill Development Entrepreneurship and Innovation	10
23	Social Welfare	84
24	Transport, Roads and Buildings	384
25	Tribal Welfare	65
26	Water Resources	328
27	Women Children Differently Abled & Senior Citizens	33
28	Youth And Sports	1
29	To be verified	64
Grand Total		5,424

8. This affidavit explains the administrative reasons for the delay in conclusion of the disciplinary cases and the failure to adhere to the time frames fixed for conclusion of the disciplinary enquiries as per G.O.Ms.No.91, G.A.D (Ser.C) Department, dated 12.09.2022. This affidavit explains the fault lines in the administration as well as the orders of this Court quashing disciplinary enquiries for non-conclusion within the time frame specified without knowing the cause of the delay.

9. Be that as it may, the number of pendency of disciplinary cases is staggering and such a pendency has a huge judicial impact on this Court on account of writ petitions seeking reliefs for promotion without reference to charge memo, restoration of seniority, retrospective promotions, quashing of disciplinary enquiry for delay, retirement benefits, consequential contempt cases etc.

10. Apart from the judicial impact, the pendency of disciplinary proceedings causes mental agony on the employees on account of delayed conclusion of the disciplinary enquiries, majority of retirement benefits being subject to the outcome of disciplinary enquiries, they have direct impact on the right of retired employee to lead a dignified life as guaranteed under Article 21 of the Constitution of India. At this stage, it would be apt to refer to paragraph 11 of one of the most quoted judgements of the Hon'ble Supreme Court in this line of cases i.e ***P.V. Mahadevan v. Managing Director, T.N. Housing Board***¹, at page 641 :

11. ...Keeping a higher government official under charges of corruption and disputed integrity would cause unbearable mental agony and distress to the officer concerned. The protracted disciplinary enquiry against a government employee should, therefore, be

¹ (2005) 6 SCC 636 : 2005 SCC (L&S) 861

avoided not only in the interests of the government employee but in public interest and also in the interests of inspiring confidence in the minds of the government employees.. “

11. It is to be noted that the right of expeditious conclusion is not an exclusive right of the employee, even the department has the same right to ensure that the persons with lack of integrity are appropriately punished in public interest and incentivise honest Government employees.

12. In recognition of the legitimate rights of the employees as well as the department to have expeditious conclusion of disciplinary proceedings, the State Government had framed time limits for conclusion of the disciplinary proceedings vide G.O.Ms.No.679, G.A.D (Services-C) Department, dated 01.11.2008. This was re-iterated vide G.O.Ms.No.91, G.A.D (Ser.C) Department, dated 12.09.2022 fixing a maximum time limit of (03) months for simple cases and (06) months for conclusion of complicated disciplinary enquiries, however no consequences were provided for non-conclusion of the disciplinary enquiries within the time specified. The right of expeditious conclusion under the G.Os is without a remedy.

13. This gap in enforcement of right of expeditious conclusion and the delay on account of intentional delay by the delinquent/employee coupled with administrative hurdles on account of elephantine reasons including lack of intent of the disciplinary authorities, enquiry officers and presenting officers requires this Court for the aforesaid reasons to monitor conclusion of disciplinary cases pending as on date, within reasonable time to ensure sanctity and credibility to the process. More so, when there is near complete data of the disciplinary cases data base (DCdB) in the website hosted by the Andhra Pradesh Centre for Financial Systems & Services (APCFSS).

14. The limitations of declaratory orders of the Court and one-shot adjudications is problematic in cases of this nature considering the magnitude of pendency. It is imperative to have a new approach customised to be immune to the limitations of the traditional approach for better fructification of rights and ensure expeditious conclusion of disciplinary enquiries. The model of *continuing mandamus* facilitates a process of constant judicial nudging and prodding to overcome inaction of lackadaisical administrative set-up or the shrewd employee evading conclusion as the case may be. Instead of the case ending with a singular

judgement, the case being kept open gives a follow-up mechanism for effective implementation.

15. The Hon'ble Supreme Court had passed similar directions in a number of cases and it would be relevant to note the observations in ***Lok Prahari v. Union of India*² at paragraph 51.**

51. The principle of continuing mandamus forms part of our constitutional jurisprudence and the term was used for the first time in Vineet Narain v. Union of India¹³. The practice of issuing continuing directions to ensure effective discharge of duties was labelled as a “continuing mandamus”. We may note that unlike a writ remedy, a continuing mandamus is an innovative procedure not a substantive one which allows the Court an effective basis to ensure that the fruits of a judgment can be enjoyed by the right-bearers, and its realisation is not hindered by administrative and/or political recalcitrance. It is a means devised to ensure that the administration of justice translates into tangible benefits.

16. In view of the above, Respondent No.1 is directed to file an affidavit every (04) months from today updating the Court regarding the progress of the disciplinary proceedings in terms of time limit specified in G.O.Ms.No.679, G.A.D (Services-C) Department, dated 01.11.2008 and G.O.Ms.No.91, G.A.D (Ser.C) Department, dated 12.09.2022 till the majority of the total number

² 2021 (15) SCC 80

of disciplinary proceedings as on 15.12.2025 i.e 5424 are concluded.

17. In view of the requirements of a continuous mandamus and direction given above, list on 19.06.2026.

Registry is directed to communicate the order to the parties to the writ petition including Chief Secretary to Government, State of Andhra Pradesh and Respondent No.1-Special Chief Secretary to the Government.

Date: 11.02.2026
KLP

NYAPATHY VIJAY, J