

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

TUESDAY, THE TWENTIETH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI  
AND  
THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

**WRIT APPEAL NO: 125 OF 2024**

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 15- 11- 2023 passed in the W.P.No.8 of 2021 on the file of the High Court.

**Between:**

1. The Commissioner of Technical Education, Government of Telangana, Hyderabad- 500001.
2. The State of Telangana, Rep. by its Principal Secretary, Technical Education Department, Secretariat, buildings Hyderabad- 500022
3. The Principal SGM Government Polytechnic Abdullapurmet, Ranga Reddy, District.
4. The Regional Joint Director of Polytechnic Education, Nampally, Hyderabad- 500001.

**...PETITIONERS/APPELLANTS  
/RESPONDENT Nos.1 to 3 in WP**

**AND**

C.B.Chandrakala, W/o. R.Kishan, Aged about 56 years, Occ office Superintendent, Government Polytechnic, Nandipet, Nizamabad District.

**...RESPONDENT/WRIT PETITIONER IN WP**

**IA NO: 2 OF 2024**

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 order dated. 15-11-2023 in WP.No.8 of 2021, passed by the learned Single Judge in the interest of justice.

**Counsel for the Appellants: GP FOR SERVICES-I**

**Counsel for the Sole Respondent: SRI SANTHAPUR SATYANARAYANA RAO**

**The Court delivered the following: JUDGMENT**

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI  
AND  
THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

**WRIT APPEAL No.125 OF 2024**

**JUDGMENT:** (Per Hon'ble Sri Justice Abhinand Kumar Shavili)

This Writ Appeal is filed aggrieved by the order, dated 15.11.2023, passed in W.P.No.8 of 2021 by a learned Single Judge of this Court.

2. Heard the learned Government Pleader for Services-I appearing for the appellants and Sri Santhapur Satyanarayana Rao, learned counsel appearing for the respondent.

3. Learned Government Pleader for Services-I appearing for the appellants had contended that the respondent was initially appointed as Lab Assistant in the year 1983 and subsequently, she was promoted to various categories. While the respondent was working as Hostel Manager at Government Polytechnic College, Abdullahpurmet, she was transferred to Government Polytechnic College for Women, Medak, during December, 2010 and she got relieved and joined at Medak on 15.12.2010. However, she has not handed over complete charge of her earlier post and she did not produce the 'No Dues Certificate'. The disciplinary authority, construing the same as misconduct,

initiated disciplinary proceedings against the respondent by issuing Charge Memo, dated 31.10.2018, whereby a lone Article of Charge was framed against the respondent, and after conducting a detailed enquiry and for the proven misconduct in the enquiry, the disciplinary authority, *vide* proceedings, dated 19.03.2020, has imposed punishment of reduction to lower post of Office Superintendent and the scale of pay will be existing pay or highest pay in the grade of Superintendent, whichever is lower, besides recovery of loss of Rs.91,615/- and that the respondent will take bottom of seniority in the list of Superintendents in the zone. Aggrieved by the same, the respondent has preferred an appeal and the appellate authority was also pleased to confirm the order passed by the disciplinary authority and rejected the appeal *vide* order, dated 10.12.2020. Aggrieved by the same, the respondent has approached this Court by filing the subject Writ Petition and the learned Single Judge of this Court was pleased to set aside the punishment imposed by the disciplinary authority, as confirmed by the appellate authority and directed the appellants to continue the respondent as Administrative Officer with all consequential benefits, without appreciating any of the contentions raised by the appellants.

4. Learned Government Pleader for Services-I appearing for the appellants had further contended that it is not for the Courts to set aside the punishment. The Courts cannot sit as an appellate authority and adjudicate the case on merits, when the charge was held to be proved in the enquiry. Further, the learned Single Judge has not given any finding that there were procedural irregularities in conducting the enquiry. When there were no procedural irregularities in conducting departmental enquiry and there was no violation of principles of natural justice, the learned Single Judge could not have interfered with the punishment order imposed by the disciplinary authority. Therefore, appropriate orders be passed in the Writ Appeal by setting aside the impugned order, dated 15.11.2023, and allow the Writ Appeal.

5. On the other hand, learned counsel for the respondent had contended that the only charge framed against the respondent was that she has not handed over the complete charge of her earlier post and not produced 'No Dues Certificate'. Further, in the Charge Memo, no list of witnesses were set out and during the enquiry, the Enquiry Officer has recorded the statement of witnesses behind the back of the respondent. Further, with regard to recovery of Rs.91,615/- is concerned, it was not even

included in the charge and therefore, the question of recovering the said amount from the respondent would not arise. Learned counsel further contended that a perusal of the punishment order would also make it clear that three sets of punishment were imposed on the respondent. The first punishment is reduction to the lower post of Office Superintendent, the second punishment is ordering for recovery of an amount of Rs.91,615/- and the third punishment is that the respondent should take bottom of the seniority in the list of Superintendents in the zone. Therefore, the charge itself is not maintainable and the punishment imposed by the appellants is not in tune with the Charge Memo. There is only a lapse of not submitting the 'No Dues Certificate' on the part of the respondent, but the disciplinary authority considered that the respondent has caused loss to a tune of Rs.91,615/- and imposed several punishments, which are not permissible as per the service law.

**6.** Learned counsel for the respondent had further contended that though the respondent was transferred to Government Polytechnic College for Women, Medak, and joined in the said College on 15.12.2010, her Service Register was not sent to the newly transferred place. In those circumstances, the respondent

has approached the Tribunal by filing O.A.No.5095 of 2015 and only when orders were passed in the said O.A., the Service Register of the respondent was sent to the Government Polytechnic College for Women, Medak. Just because the respondent has filed the said O.A., the appellants have initiated disciplinary proceedings, as a grudge. Learned counsel further contended that the learned Single Judge has also given a finding that the disciplinary proceedings were initiated more than five years after the incident. Therefore, the learned Single Judge was justified in allowing the subject Writ Petition. Hence, there are no merits in the Writ Appeal and the same is liable to be dismissed.

7. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the considered view that the learned Single Judge ought to have remanded the matter to the appellants for conducting a fresh enquiry, if there were certain irregularities in the conduct of disciplinary proceedings, but the learned Single Judge could not have straightaway set aside the order of punishment imposed by the disciplinary authority, as confirmed by the appellate authority. Admittedly, a perusal of the record discloses that only a lone charge of not handing over the complete charge of her earlier post and not producing 'No Dues

Certificate' was framed against the respondent. When the charge itself is dealing with not handing over the complete charge of her earlier post and not producing the 'No Dues Certificate', the disciplinary authority could have proceeded with only against the said charge, but a perusal of the punishment order discloses that the disciplinary authority proceeded with against the unrelated issued that there was a monetary loss to a tune of Rs.91,615/- and ordered for recovery of the same from the respondent. Such a punishment could not have been imposed by the disciplinary authority, more so, when such financial loss of Rs.91,615/- is not forming part of the charge. Though it has been disclosed in the imputation of charges i.e. basis of the charge, that the respondent has not accounted for the loss of Rs.91,615/-, the same was not included in the Article of Charges. Further, a perusal of the Charge Memo makes it very clear that there were no list of witnesses annexed to the Charge Memo and the Enquiry Officer has taken statements of the witnesses behind the back of the respondent, during enquiry.

8. For the above reasons, the impugned order, dated 15.11.2023, is liable to be set aside and accordingly, the same is set aside, however, such portion of the order of the learned Single

Judge, where the learned Single Judge has set aside the punishment is concerned, the same is confirmed and the matter is remanded to the appellants to reconsider the case of the respondent and pass appropriate orders, in accordance with law, by taking into account the observations made by this Court.

9. With the above observations/directions, the Writ Appeal is disposed of. There shall be no order as to costs.

Miscellaneous Applications, if any, pending in this Writ Appeal, shall stand closed.

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SD/- SHYLESHI  
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Commissioner of Technical Education, Government of Telangana, Hyderabad- 500001.
2. The Principal Secretary, Technical Education Department, Secretariat, buildings Hyderabad, State of Telangana- 500022
3. The Principal SGM Government Polytechnic Abdullapurmet, Ranga Reddy, District.
4. The Regional Joint Director of Polytechnic Education, Nampally, Hyderabad- 500001.
5. The Section Officer, Writ DB Section, High Court for the State of Telangana at Hyderabad.
6. The Section Officer, Posting Section, High Court for the State of Telangana at Hyderabad.
7. The Section Officer, Writ Service Section, High Court for the State of Telangana at Hyderabad.
8. Two CCs to GP FOR SERVICES-I, High Court for the State of Telangana at Hyderabad [OUT]
9. One CC to SRI SANTHAPUR SATYANARAYANA RAO, Advocate [OPUC]
10. Two CD Copies

BSR

KKS





**HIGH COURT**

**DATED: 20/02/2024**



**JUDGMENT**

**WA.No.125 of 2024**

**DISPOSING OF THE WRIT APPEAL,  
WITHOUT COSTS**

*PK  
5/04*

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