HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 144 OF 2025

Writ Appeal under clause 15 of the Letters Patent appeal preferred against the order dated 06-12-2024 passed in W.P No. 31412 of 2016 on the file of the High Court.

Between:

1. Telangana Grameena Bank (TGB), Chairman/Appellate Authority, Hyderabad Formerly Deccan Grameena Bank Rep. by its Chairman / Appellate Authority H.No.21520, Street No. 9, Nallakunta Hyderabad.
2. The Disciplinary Authority/General Manager, Administration and IT, H.No.21520, Street No. 9, Nallakunta, Hyderabad.
3. The Regional Manager, Telangana Grameena Bank Formerly Deccan Grameena Bank Regional Office IV, Street No. 9, Nallakunta, Hyderabad.
4. The Branch Manager, Deccan Grameena Bank, Parigi Branch, Ranga Reddy District.

...APPELLANTS

AND

1. Ch. Chandramouli, (Since died as per his LR's R2 & 3 herein)
2. Chowdari Mahadevamma, W/o. Late Ch. Chandramouli R/o. H.No.18-209, 4 m 1 8 1 Eshwar Colony, Faroocinagar Mandal, Shadnagar, K.V. Ranga Reddy.
3. Chowdari Mahesh, S/o. Late Ch. Chandramouli, R/o. H.No. 7-311, Mandipal, K.V.Ranga Reddy District.

...RESPONDENTS

IA NO: 1 OF 2025

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 passed in WP No. 31412 of 2016, Dt.06-12-2024 of the Learned Single Judge, pending disposal of the main Writ Appeal.

Counsel for the Appellants: M/s. S.UDAYASREE, REP. FOR SRI MUJIB KUMAR SADASIVUNI

Counsel for the Respondents: SRI V.RAVI KUMAR REDDY

The Court delivered the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

AND

THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.144 of 2025

JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*:

Ms. S. Udayasree, learned counsel represents Sri Mujib Kumar Sadasivuni, learned counsel for the appellants and Sri V. Ravi Kumar Reddy, learned counsel for the writ petitioners/respondents.

2. With the consent, finally heard.

3. This Intra-Court appeal takes exception to the order dated 06.12.2024 in W.P.No.31412 of 2016 passed by the learned Single Judge.

4. The relevant facts, as projected by learned counsel for the parties, are that respondent No.1/delinquent employee (since deceased) was subjected to disciplinary proceedings. The main allegation against the delinquent employee was regarding misappropriation of money. The delinquent employee submitted his reply to the charge sheet. The disciplinary authority was not satisfied with his reply and accordingly appointed an Enquiry Officer. The Enquiry Officer found the charges as proved and after obtaining his report and employee's response, the disciplinary authority imposed the punishment of removal from service on

15.10.2015. The said order was unsuccessfully challenged in appeal.

5. Learned counsel for the appellants submits that learned Single Judge has given a finding that punishment of removal imposed on the delinquent employee was harsh and disproportionate considering the gravity of the misconduct. No finding is recorded as to why Enquiry Officer's report, accepted by the disciplinary authority, should not be given weightage. In other words, no flaw in the enquiry report was noticed and recorded by learned Single Judge. In absence of recording any finding that Enquiry Officer's report was perverse or decision making process was polluted, there was no scope of interference.

6. So far, statement of two customers mentioned in paragraph No.7 of the impugned order is concerned, it is projected that those two customers never entered the witness box on behalf of anybody and in absence thereof, any representation made by them to the Enquiry Officer has no evidentiary value. The impugned order of removal has not been set aside. Without there being any prayer for considering the dependant on compassionate grounds, learned Single Judge has directed such direction to consider petitioner No.2 on compassionate grounds which is bad in law.

7. Faced with this, learned counsel for the writ petitioners/respondents submits that by communication dated

15.05.2015, the customers informed the Enquiry Officer that there was some mistake relating to account number and they had no grievance against the delinquent employee.

8. Parties confined their arguments to the extent indicated above.

9. On a specific query from the Bench, learned counsel for the parties fairly submitted that those customers, whose representation became one of the operative reasons to pass the impugned order by learned Single Judge, never entered the witness box. Since they never entered the witness box and deposed their statements, the makers of document dated 15.05.2015 could not be put to cross-examination and therefore, any such representation has no evidentiary value (see **Lala Satyanarain Prasad v. Gadadhar Ram**[1], **Radhasoami Satsang, Saomi Bagh, Agra v. CIT**[2], **Managing Director, U.P. Warehousing Corpn. v. Vijay Narayan Vajpayee**[3], **Director General, Indian Council of Medical Research v. Dr. Anil Kumar Ghosh**[4] and **Chandrakumar Madhukar Deshmuch v. Board of Trustees of Port of Bombay**[5]).

10. In our opinion, it is trite that scope of interference in disciplinary proceedings is very limited. The Writ Court is obliged

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[1] AIR 1977 SC 146
[2] (1992) 1 SCC 659
[3] (1980) 3 SCC 459
[4] (1998) 7 SCC 97
[5] 1997 (1) LLJ 206

to examine the decision making process and can interfere with punishment if it shocks the conscious of the Court being extremely harsh and disproportionate. In the event, the Court comes to the conclusion that the punishment is excessive, the Writ Court may set aside the said punishment and remit the matter back to the disciplinary authority to pass appropriate/suitable punishment (see **Apparel Export Promotion Council v. A.K. Chopra**[6], **Bank of India v. T.Jogram**[7] and **State of U.P. v. Man Mohan Nath Sinha**[8]).

11. Before reaching to the conclusion that punishment is harsh/disproportionate, it was imperative for the Writ Court to examine whether temporary embezzlement is a grave misconduct and can lead to inflicting of punishment of removal from service. Without setting aside the said punishment and order and without remitting the matter back to the disciplinary authority, a direction was issued to consider the dependant of delinquent employee for compassionate appointment. We are unable to give our stamp of approval to the said order which runs contrary to the settled legal position.

12. In this view of the matter, the impugned order of learned Single Judge dated 06.12.2024 in W.P.No.31412 of 2016 is **set aside**. At this stage, learned counsel for the parties fairly

[6] (1999) 1 SCC 759
[7] (2007) 7 SCC 236
[8] (2009) 8 SCC 310

submitted that since the decision making process of Enquiry and the findings of Enquiry Officer were not examined by the learned Single Judge, the matter may be remanded to the learned Single Judge for fresh consideration. In the interest of justice, we are inclined to accept this joint prayer.

13. Resultantly, while setting aside the impugned order of learned Single Judge, the matter is remanded to the Writ Court and the Writ Petition is restored to its original number. The Writ Court is requested to decide the Writ Petition expeditiously.

14. Accordingly, the Writ Appeal stands **disposed of**. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/-B.SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman / Appellate Authority, Telangana Grameena Bank (TGB), Chairman/Appellate Authority, Hyderabad Formerly Deccan Grameena Bank, H.No.21520, Street No. 9, Nallakunta Hyderabad.
2. The Disciplinary Authority/General Manager, Administration and IT, H.No.21520, Street No. 9, Nallakunta, Hyderabad.
3. The Regional Manager, Telangana Grameena Bank Formerly Deccan Grameena Bank Regional Office IV, Street No. 9, Nallakunta, Hyderabad.
4. The Branch Manager, Deccan Grameena Bank, Parigi Branch, Ranga Reddy District.
5. The Section Officer, Posting Section, High Court for the State of Telangana at Hyderabad.
6. The Section Officer, Writ DB Section, High Court for the State of Telangana at Hyderabad.
7. One CC to SRI MUJIB KUMAR SADASIVUNI, Advocate [OPUC]
8. One CC to SRI V.RAVI KUMAR REDDY, Advocate [OPUC]
9. Two CD Copies

CHR

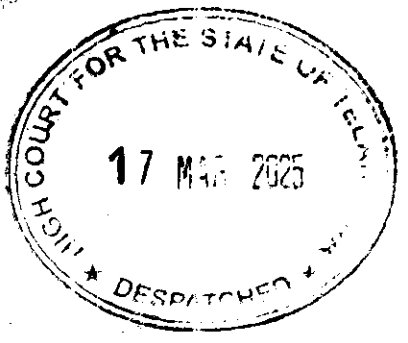
BSR/BSK

HIGH COURT

DATED: 04/02/2025

JUDGMENT

WA.No.144 of 2025



DISPOSING OF THE WRIT APPEAL,

WITHOUT COSTS

(11) CHR
14/2/25