HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY ,THE TWELFTH 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: 1415 OF 2024

Writ Appeal under clause 15 of the Letters Patent Prefered Against the Order Dated.05/06/2023, in W.P. No. 24093 Of 2008 and on the file of the High Court.

Between:

1. The Secretary to Government, School Education Department, Government of Telangana, Secretariat Building, Hyderabad
2. The Director of School Education, Khairtabad, Hyderabad.
3. The Regional Joint Director of School Education, Hyderabad.
4. The District Educational Officer, Nalgonda District

...APPELLANTS/RESPONDENTS Nos. 1to4

AND

1. B Ram Mohan, S/o B Veera Lingam, School Asst (Maths), CSI High School, Aler, Nalgonda Dist
2. Diocesan Educational Secretary, CSI Karimnagar Dioces, Karimnagar.

...RESPONDENT/RESPONDENT No.5

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 operation of the order passed in W.P.No.24093/2008, Dated. 05.06.2023 pending disposal of the Writ Appeal

IA NO: 1 OF 2025

Between:

B Ram Mohan, S/o B Veera Lingam, School Asst (Maths), CSI High School, Aler, Nalgonda Dist

AND **.....PETITIONER/RESPONDENT**

1. The Secretary to Government, School Education Department, Government of Telangana, Secretariat Building, Hyderabad
2. The Director of School Education, Khairtabad, Hyderabad.
3. The Regional Joint Director of School Education, Hyderabad.
4. The District Educational Officer, Nalgonda District

...RESPONDENTS/APPELLANTS Nos. 1to4

5. Diocesan Educational Secretary, CSI Karimnagar Dioces, Karimnagar.

...RESPONDENT/RESPONDENT

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 vacate the interim order dt. 20/12/2024 in writ Appeal No.1415/2024 and dismiss the writ appeal as devoid of merits.

Counsel for the Appellant: SRI. S. RAHUL REDDY,
SPECIAL GOVERNMENT PLEADER
REP
ADDL ADVOCATE GENERAL

Counsel for the Respondent No.1: Ms. C. VANI REDDY

Counsel for the Respondent No.2: SRI N.P. SANGAM

The Court made the following: ORDER

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

WRIT APPEAL No.1415 of 2024

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

With the consent finally heard. Sri S. Rahul Reddy, learned Special Government Pleader representing the learned Additional Advocate General, for the appellants and Ms. C. Vani Reddy, learned counsel for respondent No.1.

2. This intra-Court appeal assails the order dated 05.06.2023 in W.P.No.24093 of 2008, whereby the petition filed by respondent No.1 herein, was allowed and also the order dated 06.09.2024 in I.A.No.1 of 2024 (Review Application) in W.P.No.24093 of 2008, whereby the review application filed by the State, was dismissed.

3. Sri S. Rahul Reddy, learned Special Government Pleader for appellants/State raised singular submission that a plain reading of the impugned order dated 05.06.2023 of the learned Single Judge makes it clear that the reasons for interference in the Departmental Enquiry and punishment are based on violation of the principles of natural justice. Learned Single Judge opined that no reasonable opportunity was provided to respondent No.1 herein. Neither copy of the vigilance report dated 05.01.2006 was

supplied to him nor he had the opportunity to cross-examine the witnesses. Learned Single Judge further opined that respondent No.1 herein was not given free chance to lead evidence in respect of the charges and to put relevant questions by way of cross-examination. Respondent No.1 herein was not provided opportunity to produce any witness and lead evidence in his defence.

4. It is further submitted that based on the violation of principles of natural justice, punishment order dated 02.02.2008 and appellate order 26.08.2008 were set aside. It is fairly contended by the learned Special Government Pleader that the Department is not aggrieved by the order of the learned Single Judge to the extent learned Single Judge found fault in the procedural part of the Departmental Enquiry. In other words, learned Special Government Pleader fairly admitted that learned Single Judge was justified in interfering in the Departmental Enquiry on violation of principles of natural justice, but the proper course would have been to permit the Department to conduct further enquiry from the stage the error crept in and pass a fresh order in accordance with law. Learned Single Judge committed an error in rejecting the review application.

5. Learned counsel for respondent No.1 submits that no fault can be found in the order of the learned Single judge in setting aside the punishment and appellate order for violation of principles of natural justice. By placing reliance on the judgment of the Supreme Court in the case of **Marwari Balika v. Asha Srivastava**[1], it is urged that in the said case, since order was stigmatic one, the order was interfered with and matter was not remitted back for conducting further enquiry.

6. Learned counsel for the parties confined their arguments to the extent indicated above and no other point was pressed.

7. Indisputedly, the only question before this Court is whether while finding fault in Departmental Enquiry and setting aside the punishment and appellate order, it was proper for the learned Single Judge to direct for reinstatement of respondent No.1 herein with full back wages. Putting it differently, when respondent No.1 herein was not exonerated on merits and interference was solely made on technical grounds i.e., on violation of principles of natural justice, whether it was justified in directing reinstatement

[1] Civil Appeal No.9166 of 2013, dated 14.02.2019.

with back wages without permitting the Department to conduct further enquiry from the stage natural justice was breached.

8. The legal journey in this aspect needs to be considered. The same would show that when enquiry and punishment is interfered with solely on the ground of violation of principles of natural justice, proper course is to set aside the enquiry from the stage error crept in and permit the employer to conduct further enquiry from that stage. The relevant judgments of the Supreme Court are **Anant R. Kulkarni v. Y.P.Education Society**[2] and **State of Uttar Pradesh v. Rajit Singh**[3].

9. In, **Anant R. Kulkarni** (supra), it was held as under:

> "13. It is a settled legal proposition that once the court sets aside an order of punishment on the ground that the enquiry was not properly conducted, the court should not severely preclude the employer from holding the inquiry in accordance with law. It must remit the case concerned to the disciplinary authority to conduct the enquiry from the point that it stood vitiated, and to conclude the same in accordance with law. However, resorting to such a course depends upon the gravity of delinquency involved. Thus, the court must examine the magnitude of misconduct alleged against the delinquent employee. It is in view of this that courts/tribunals are not competent to quash the charge-sheet and related disciplinary proceedings before the same are concluded on the aforementioned grounds. (Vide ECIL v. B. Karunakar [(1993) 4 SCC 727 : AIR 1994 SC 1074] , Hiran Mayee Bhattacharyya v. S.M. School for Girls [(2002) 10 SCC 293] , U.P. State Spg. Co. Ltd. v. R.S. Pandey [(2005) 8 SCC 264] and Union of India v. Y.S. Sadhu [(2008) 12 SCC 30: AIR 2009 SC 161].)"

---

[2] (2013) 6 SCC 515
[3] (2022) 15 SCC 254

10. In, **Rajit Singh** (supra), the Supreme Court held as under:

"12. In *LIC* v. *A. Masilamani* [*LIC* v. *A. Masilamani*, (2013) 6 SCC 530 : (2013) 2 SCC (L&S) 608] , which was also pressed into service on behalf of the appellants before the High Court, it is observed in para 16 as under : (SCC p. 536)

> "*16.* It is a settled legal proposition, that once the court sets aside an order of punishment, on the ground that the enquiry was not properly conducted, the court cannot reinstate the employee. It must remit the case concerned to the disciplinary authority for it to conduct the enquiry from the point that it stood vitiated, and conclude the same. (Vide *ECIL* v. *B. Karunakar* [*ECIL* v. *B. Karunakar*, (1993) 4 SCC 727 : 1993 SCC (L&S) 1184] , *Hiran Mayee Bhattacharyya* v. *S.M. School for Girls* [*Hiran Mayee Bhattacharyya* v. *S.M. School for Girls*, (2002) 10 SCC 293 : 2003 SCC (L&S) 1033] , *U.P. State Spg. Co. Ltd.* v. *R.S. Pandey* [*U.P. State Spg. Co. Ltd.* v. *R.S. Pandey*, (2005) 8 SCC 264 : 2006 SCC (L&S) 78] and *Union of India* v. *Y.S. Sadhu* [*Union of India* v. *Y.S. Sadhu*, (2008) 12 SCC 30 : (2009) 1 SCC (L&S) 126].)"

13. From the impugned judgment and order passed by the High Court, it appears that when the aforesaid submission and the aforesaid decision was pressed into service, the High Court has not considered the same on the ground that the other officers involved in respect of the same incident are exonerated and/or no action is taken against them. Applying the law laid down in *A. Masilamani* [*LIC* v. *A. Masilamani*, (2013) 6 SCC 530 : (2013) 2 SCC (L&S) 608] to the facts of the case on hand, we are of the opinion that the Tribunal as well as the High Court ought to have remanded the matter to the disciplinary authority to conduct the enquiry from the stage it stood vitiated. Therefore, the order passed by the High Court in not allowing further proceedings from the stage it stood vitiated i.e. after the issuance of the charge-sheet, is unsustainable.

14. In view of the above discussion and for the reasons stated above, the findings recorded by the Tribunal as well as the High Court quashing and setting aside the order of punishment imposed by the disciplinary authority by applying the doctrine of equality is hereby quashed and set aside. However, as the enquiry is found to be vitiated and is found to

be in violation of the principles of natural justice inasmuch as it is alleged that the relevant documents mentioned in the charge-sheet were not supplied to the delinquent officer, we remand the matter to the disciplinary authority to conduct a fresh enquiry from the stage it stood vitiated i.e. after the issuance of the charge-sheet and to proceed further with the enquiry after furnishing all the necessary documents mentioned in the charge-sheet and after following due principles of natural justice. The aforesaid exercise shall be completed within a period of six months from today."

11. This is equally settled that in the cases where the further enquiry is directed, the question of reinstatement in interregnum period does not arise. The question of reinstatement or final relief would depend on the outcome of further enquiry. The same principle will govern the question of back wages and other benefits. In other words, the outcome of further enquiry will decide the quantum of punishment and also consequential benefits (if any).

12. So far, the judgment of **Marwari Balika** (supra), on which reliance is placed by the learned counsel for respondent No.1 herein is concerned, a careful reading of it shows that it is not a case of Departmental Enquiry. Instead, it is a case of termination of a probationer by issuing a stigmatic order. Therefore, the said judgment is of no use for respondent No.1 herein.

13. In view of the aforesaid discussion, the impugned order of the learned Single Judge is set aside to the extent direction was issued for reinstatement with back wages. Instead, the Department may proceed against respondent No.1 from the stage of recording evidence of prosecution and the appellants shall complete the Departmental Enquiry in accordance with law within six months from the date of production of copy of this judgment. Failing which the right to conduct enquiry shall stand forfeited. The consequential benefits will depend on the outcome of the enquiry.

14. With the aforesaid, the impugned orders dated 05.06.2023 and 06.09.2024 in W.P.No.24093 of 2008 and I.A.No.1 of 2024 in W.P.No.24093 of 2008 stand modified to the extent indicated above. The Writ Appeal is **partly allowed**. There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

SD/-K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary to Government, School Education Department, Government of Telangana, Secretariat Building, Hyderabad
2. The Director of School Education, Khairtabad, Hyderabad.
3. The Regional Joint Director of School Education, Hyderabad.
4. The District Educational Officer, Nalgonda District
5. Two CCs to SPEICAL GOVERNMENT PLEADER,High Court for the State of Telangana, at Hyderabad [OUT]
6. One CC to Ms. C. VANI REDDY, Advocate [OPUC]
7. One CC to SRI. N.P. SANGAM, Advocate [OPUC]
8. Two CD Copies

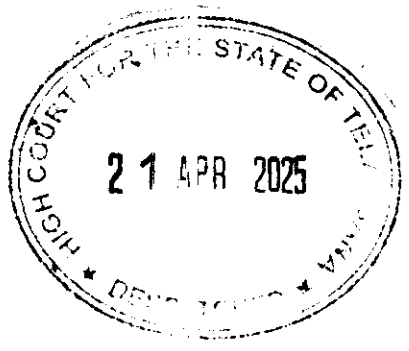
B M
RS

HIGH COURT

DATED:12/02/2025

JUDGMENT

WA.No.1415 of 2024



PARTLY ALLOWING THE WRIT PETITION WITHOUT COSTS

10
S.P
28/2/25