HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

WRIT APPEAL NO: 377 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 30/12/2024 in the W.P.No.15065 of 2021. on the file of the High Court.

Between:

Kakatiya University, Represented by Its Registrar, Vidyaranyapuri, Warangal, Warangal District, T.S.

...APPELLANT/RESPONDENT

AND

1. Mohd Mustafa (Died per LRs), S/o. Naseeruddin, Aged 70 years Occ. Retd. Senior Assistatnt, University College of Law, Subedari Warangal District, TS.
2. Sahera Banu, W/o. Mohd Mustafa, Aged 50 years, Occ. Housewife Subedari, Warangal District. C/o. Mohd Gouse Pasha, H.No. 4-2-17 Ralla Bavi, Siricilla - 505 301.

...RESPONDENTS/WRIT PETITIONER

IA NO: 3 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 operation of the order of Learned Single Judge dated 30-12-2024 in WP No. 15065 of 2021 on the file of Hon'ble High Court of Telangana pending the disposal of the Writ Appeal.

Counsel for the Appellant: SRI L.PRABHAKAR REDDY, SPCL ADV FOR KU
Counsel for the Respondents: SRI RAMESH CHILLA

The Court made the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

AND

THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.377 of 2025

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

Sri L.Prabhakar Reddy, learned counsel for the appellant and Sri Ramesh Chilla, learned counsel for the respondents.

2. With the consent, finally heard.

3. This intra Court appeal assails the order of the learned Single Judge passed in W.P.No.15065 of 2021, dated 30.12.2024, whereby the learned Single Judge interfered with the punishment of dismissal imposed on respondent No.1 (writ petitioner No.1) on 07.01.2021 for the reason that on similar facts, respondent No.1 was subjected to criminal case and he was honourably acquitted from the said case.

4. Learned counsel for the appellant/employer assailed the findings of the learned Single Judge by contending that the findings are running from paragraph No.10 to 13. If the said paragraphs are read carefully, it will be clear that only one finding

was given in paragraph No.10 that the criminal case was pending on the very same facts on which the departmental enquiry was conducted. Thereafter, the principles of law laid down by the Supreme Court in **G.M.Tank v. State of Gujarat**[1] and **Ram Lal v. State of Rajasthan**[2] were considered and relevant paragraphs were reproduced. By taking this Court to the relevant paragraphs of the judgment of the Supreme Court in **G.M.Tank** (supra), the sheet anchor of argument of the learned counsel for the appellant is that merely because a delinquent employee is acquitted in a criminal case, it will not *ipso facto* give him a right of reinstatement or setting aside of punishment order imposed on him pursuant to the departmental enquiry. The Court needs to examine whether the charges were not just similar but identical and the evidence, witnesses and circumstances were all the same. There is no iota of discussion by the learned Single Judge on this aspect and after reproducing the judgments of the Supreme Court, the learned Single Judge directly reached to the conclusion that the dismissal order dated 07.01.2021 needs to be set aside. Thus,

[1] (2006) 5 SCC 446
[2] 2023 SCC OnLine SC 1618

the facts of the case were not tested on the anvil of the principles laid down in both the judgments of the Supreme Court.

5. Learned counsel for the respondents supported the impugned order and submits that in paragraph 10 therein, the learned Single Judge, indeed, has given a finding that the criminal case and departmental enquiry were founded upon the same facts.

6. The parties have confined their arguments to the extent indicated above and no other point is pressed.

7. We have heard the learned counsel for the parties at length and perused the record.

8. The finding of the learned Single Judge on which heavy reliance is placed by the learned counsel for the respondents reads thus:

> "...This Court also finds that for the very same set of facts, the criminal case has been filed and after contested trial, the trial Court held that the charges against petitioner No.1 have not been proved and petitioner No.1 has been honorably acquitted."

9. A plain reading of the aforesaid paragraph makes it clear that the only finding given by the learned Single Judge is that the facts of the criminal case and the departmental enquiry were

same. If the *ratio decidendi* of the judgments of the Supreme Court in **G.M.Tank** (supra) and **Ram Lal** (supra) are examined, it will be clear like cloudless sky that the factum of identical facts is not the only litmus test on the strength of which impact of acquittal on the disciplinary proceeding can be examined. After considering the judgment in **G.M.Tank** (supra), the Apex Court in **Ram Lal** (supra), opined as under:

> "**30.** We are additionally satisfied that in the teeth of the finding of the Appellate Judge, the disciplinary proceedings and the orders passed thereon cannot be allowed to stand. The charges were not just similar but identical and the evidence, witnesses and circumstances were all the same. This is a case where in exercise of our discretion, we quash the orders of the disciplinary authority and the appellate authority as allowing them to stand will be unjust, unfair and oppressive. This case is very similar to the situation that arose in *G.M. Tank* [*G.M. Tank* v. *State of Gujarat*, (2006) 5 SCC 446 : 2006 SCC (L&S) 1121] ."

10. As per the principles laid down in the aforesaid judgments, the Court was required to examine whether the charges are not only similar but identical, in addition, the evidence, witnesses and circumstances are same or not are to be examined as well. The learned Single Judge after reproducing the relevant paragraphs of the judgments of the Supreme Court in paragraph 11, recorded its finding in paragraph 12 as under:

> "12. In view thereof and in view of the acquittal of the petitioner from the criminal case, the order of dismissal from service dt.07.01.2021 against petitioner No.1 is set aside and petitioners are entitled for consequential benefits."

11. We find substance in the argument of the learned counsel for the appellant that the learned Single Judge has not independently examined whether the charges are not only similar but identical and the evidence, witnesses and circumstances were also same. In the absence thereof, the impugned order setting aside the disciplinary proceedings cannot be countenanced. The impact of acquittal needs to be examined on the anvil of principles laid down in both the cases and the Court is obliged to examine the nature of the charges in disciplinary enquiry and criminal case and whether the circumstances, witnesses and evidence is the same. In the absence thereof, the punishment order cannot be interfered with. Since in the impugned order the said analysis is missing, we are unable to give our stamp of approval to the said order.

12. Resultantly, the impugned order passed by the learned Single Judge in W.P.No.15065 of 2021, dated 30.12.2024, is set aside and the writ petition is restored to its original number.

Since respondent No.1 was dismissed from service, liberty is reserved to respondent No.2 to pray for an early hearing of the writ petition by filing appropriate application before the learned Single Judge.

13. The writ appeal is accordingly **disposed of** without expressing any opinion on the merits of the matter. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-M.MANJULA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI L.PRABHAKAR REDDY, SPCL ADV FOR KU [OPUC]
2. One CC to SRI RAMESH CHILLA, Advocate [OPUC]
3. Two CD Copies

PSK.
LS

HIGH COURT

DATED:09/04/2025

JUDGMENT

WA.No.377 of 2025



DISPOSING OF THE WRIT APPEAL WITHOUT COSTS

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