IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE THIRD DAY OF SEPTEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NOS: 587, 595, 627, 645, 649, 665 AND 699 OF 2025

W.A.No.587 of 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 03/03/2005 in W.P.No.4911 of 2020 on the file of the High Court.

Between:

1. Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijayasri Sai Celestia, Street No.9, Shankermutt Road, Hyderabad-500044, Rep by its Chairman.
2. Board of Directors-cum- Appellate Authority, Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijayasri Sai Celestia, Street No.9, Shankermutt Road, Hyderabad-500044.

.....APPELLANTS/RESPONDENTS IN W.P

AND

Sri K.Chandraiah, S/o. late Sri Bhummaiah, aged about 66 years, R/o. 4-20/2, Near Yamaha Show Room, Janmabhoomi Nagar, Mancherial, Mancherial District-504208.

.....RESPONDENT/PETITIONER IN W.P

I.A.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 W.P.No.4911/2020, dt.03.03.2025, of the learned the single judge, pending the disposal of the main writ appeal.

Counsel for Appellants : SRI MUJIB KUMAR SADASIVUNI

Counsel for Respondents : SRI VEDULA SRINIVAS, SENIOR COUNSEL

W.A.NO: 595 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated. 03-03-2025, in WP.No.4913 of 2020. on the file of the High Court.

Between:

1. Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijaya Sai Celestia, Street No.9, Shankermutt Road, Hyderabad-500044. Reptd. by its Chairman
2. Board of Directors-cum- Appellate Authority, Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijaya Sai Celestia, Street No.9, Shankermutt Road, Hyderabad-500044.

.....APPELLANTS/RESPONDENTS IN W.P

AND

Sri J. Moses, S/o. late Sri Joseph, aged about 66 years, R/o.Plot No.106, Usha Kiran Heights, West End Colony, Bandlaguda, X-Road, Hyderabad-500 091.

.....RESPONDENT/PETITIONER IN W.P

I.A.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 W.P.No.4913/2020, dt.03.03.2025, of the learned the single judge, pending the disposal of the main writ appeal.

Counsel for Appellants : SRI MUJIB KUMAR SADASIVUNI

Counsel for Respondent : SRI VEDULA SRINIVAS, SENIOR COUNSEL

W.A.NO:627 OF 2025

Writ Appeal under clause 15 of the Letters Patent to allow the appeal by setting aside the order passed in W.P.No.22212/2020 dated.03-3-2020, by the Learned single Judge and pass on the file of the High Court.

Between:

1. Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijayasri Sai Celestia, Street No.9, Shankermutt Road, Hyderabad-500044, Reptd by its Chairman.

2. Board of Directors-cum- Appellate Authority, Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijayasri Sai Celestia, Street No.9, Shankermutt Road, Hyderabad-500044.

.....APPELLANTS/RESPONDENTS IN W.P

AND

Sri P. Guru Prasad, S/o. Sri Kittappa, aged about 39 years, C/o. Sri J. Priyadarshini, H.No.8-8-159/2, Plot No.C-199, Road No.17, Green Park Colony, Karmanghat, Saroornagar, Hyderabad, Ranga Reddy District.

.....RESPONDENT/PETITIONER IN W.P

I.A.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 in W.P.No.22212/2020, dated 03-3-2025, of the learned the single judge, pending the disposal of the main writ appeal.

Counsel for Appellants : SRI MUJIB KUMAR SADASIVUNI

Counsel for Respondents : Ms. K.UDAYA SRI

W.A.NO:645 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 03/03/2025 in W.P.No.13991 of 2020 on the file of the High Court.

Between:

1. Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijayasri Sai Celestia, Street No.9, Shankermutt Road, Hyderabad-500044, Reptd by its Chairman.
2. Board of Directors-cum- Appellate Authority, Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijayasri Sai Celestia, Street No.9, Shankermutt Road, Hyderabad-500044.

.....APPELLANTS/RESPONDENTS IN W.P

AND

Sri G.Srinivas Rao, S/o. Late Sri Rama Rao, aged about 66 years, R/o.401, Plot Nos.26 and 27, Sai Hamlet, 4th Cross,Shilpa Park, Kondapur, Sherilingampally Mandal, Hyderabad.

.....RESPONDENT/PETITIONER IN W.P

I.A.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 W.P.No.13991/2020, dt.03.03.2025, of the learned the single judge, pending the disposal of the main writ appeal.

Counsel for Appellants : SRI MUJIB KUMAR SADASIVUNI

Counsel for the Respondents : SRI VEDULA SRINIVAS, SENIOR COUNSEL

W.A.NO: 649 OF 2025

Writ Appeal under clause 15 of the Letters Patent filed against the order Dated 03/03/2025 in writ petition No.21759 of 2020. on the file of the High Court.

Between:

1. Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijaya Sai Celestia, Street No 9, Shankermutt Road, Hyderabad-500044. Reptd. by its Chairman
2. Board of Directors-cum- Appellate Authority, Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijaya Sai Celestia,Street No.9, Shankermutt Road, Hyderabad-500044.

.....APPELLANTS/RESPONDENTS IN W.P

AND

Sri B.Ravikanth, S/o.late Sri Babaiah, aged about 63 years, R./o.H.No.10-4-126/7,Vijayapuri Colony, Near Global Hospital, Saroornagar, Hyderabad, Ranga Reddy District- 500 035.

.....RESPONDENT/PETITIONER IN W.P

I.A.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 W.P.No.21759/2020, dt.03/03/2025, of the learned the single judge, pending the disposal of the main writ appeal.

Counsel for Appellants : SRI MUJIB KUMAR SADASIVUNI

Counsel for Respondents : SRI VEDULA SRINIVAS, SENIOR COUNSEL

W.A.NO:665 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 03/03/2025 in the W.P.No. 13749 of 2020 on the file of the High Court.

Between:

1. Telangana Grameena Bank, Head Office, H. No. 2- 1- 520, 2nd floor, Street No. 9, Vijaya Sai Celestia, Shankermutt Road, Hyderabad- 500044. Reptd. by its Chairman
2. Board of Directors- cum- Appellate Authority, Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijaya Sai Celestia, Street No. 9, Shankermutt Road, Hyderabad- 500044.

.....APPELLANTS/RESPONDENTS IN W.P

AND

Sri E. Rajanna, S/o. late Sri Ramaiah, Joseph, aged about 67 years, R/o. H. No. 9-6/4013/303, Eshwarapuri Colony, Nagaram Keesara Mandal, Ranga Reddy District.

.....RESPONDENT/PETITIONER IN W.P

I.A.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 W. P. No. 13749 OF 2020, dt. 03. 03. 2025, of the learned the single judge, pending the disposal of the main writ appeal.

Counsel for Appellants : SRI MUJIB KUMAR SADASIVUNI

Counsel for Respondents : SRI VEDULA SRINIVAS, SENIOR COUNSEL

W.A.NO:699 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 03/03/2025 in W.P.No.17098 of 2020. on the file of the High Court.

Between:

Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijayasri Sai Celestia, Street No.9, Shankermutt Road, Hyderabad-500044, Reptd by its Chairman.

.....APPELLANTS/RESPONDENTS IN W.P

AND

V.V.J.Rama Rao, S/o.Sri V.V.S.Devaraju, aged about years, R/o.H.No.3-7-62/39, Road No.2, South End park Mansoorabad, Hyderabad-500 068.

.....RESPONDENT/PETITIONER IN W.P.

I.A.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 W.P.No.17098/2020, dt. 03.03.2025, of the learned the single judge, pending the disposal of the main writ appeal.

Counsel for Appellants : SRI MUJIB KUMAR SADASIVUNI

Counsel for Respondent: Ms. K.UDAYA SRI

The Court made the following COMMON JUDGMENT : -

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL Nos.587, 595, 627, 645, 649, 665 and 699 of 2025

COMMON JUDGMENT:

Mr. Mujib Kumar Sadasivuni, learned counsel for the appellants-Bank.

Mr. Vedula Srinivas, learned Senior Counsel for the respondents in W.A.Nos.587, 595, 645, 649 and 665 of 2025.

Ms. K.Udaya Sri, learned counsel for the respondents in W.A.Nos.627 and 699 of 2025.

2. By the common impugned order dated 03.03.2025, the learned writ Court has quashed the impugned orders of dismissal from service imposed upon the writ petitioners. The learned writ Court has directed the appellants-Bank to reconsider imposing lesser punishment than dismissal from service or for re-initiating action against the employees by following the due process of law. The Bank authorities were directed to release provisional pension to all the writ petitioners till a decision is taken as to whether the enquiry is

to be re-conducted in accordance with law or if lesser punishment than dismissal from service has to be imposed. The writ petitioners were Bank employees in different scales working in the same Bank, Aziz Nagar Branch. They were proceeded in a departmental enquiry for dereliction of duty and alleged large scale misappropriation of funds and loss to the Bank. The enquiry report indicted the employees leading to their dismissal from service, which was the subject matter of challenge. The writ petitioners raised the following objections in their challenge:

> "(a) Whether the photocopies of the Bank records can be marked as exhibits and whether they constitute admissible evidence in the enquiry?
>
> (b) Whether, mere marking of the documents, without proving the contents of the documents would satisfy the requirement of proof of misconduct in the domestic enquiry?
>
> (c) Whether the charges against the petitioners stood proved in the domestic enquiry keeping in view the nature of the documents filed in the enquiry and also the nature of oral evidence adduced?
>
> (d) Whether the scope of judicial review under Article 226 of the Constitution of India will be confined merely to see whether the procedure of domestic enquiry was

followed by the Bank, more particularly when the charges themselves are not proved?

(e) In case the contentions of the petitioners are found valid, what is the relief the petitioners are entitled to?"

3. The learned writ Court took up the first question to be decided as to whether the photocopies of the Bank records can be marked as exhibits and whether they constitute admissible evidence in the enquiry. The Bank had taken a stand that the photostat copies of the documents relied upon by the enquiry officer were obtained from the custody of the Central Bureau of Investigation (CBI) and duly certified to be true by the Bank official before producing it in the enquiry proceedings. The learned writ Court held that photocopies of the Bank records unless specified to be so by the authority under whose possession the original documents are there, cannot be considered as admissible evidence. In these cases, admittedly, the original documents were in the custody of CBI. When the documents were in the custody of CBI, upon a proper search and seizure or production to the investigating agency by the Bank officials, the copies of those documents

could have been obtained by taking permission from the Special CBI Court.

4. In the instant cases, the Bank, in their counter affidavit before the writ Court, has taken a stand at paragraph 9 that the officer of the Bank had approached the investigating officer of the CBI and obtained the photocopies thereof and then certified it to be true. The course was not proper as such evidence could not be adduced as secondary evidence by the Bank officer during enquiry when the copies thereof were not certified to be true by the officer of the investigating agency upon permission granted by the learned Special CBI Court.

5. The learned writ Court found the procedure to be illegal. The learned writ Court also answered the questions No.b and c in the negative. It held that mere marking of exhibit on a document does not dispense with its proof as required to be done in accordance with law. Having arrived at such a finding, the learned writ Court proceeded to set aside the order of dismissal, but taking into account that some of the writ petitioners may have attained the age of

superannuation and sufficient time had lapsed, also gave liberty to the appellants-Bank authorities to choose either of the course i.e., either to re-initiate action against the employees by following due process of law or to impose a lesser punishment than dismissal from service. The latter course adopted by the learned writ Court does not appeal to us. If the disciplinary enquiry was found to suffer from serious infirmities in the matter of adducing of material evidence as exhibits relied upon by the enquiry officer, the proper course was to remit the matter to the enquiry officer to conduct the proceedings from the stage of adducing of evidence by the presenting officer and cross-examination etc., by the charged officers. The allegations are of serious nature involving dereliction of duty resulting in loss to the Bank. In such cases, when the enquiry proceedings were found to be vitiated, the learned writ Court ought not to have given an option to the disciplinary authority to impose a lesser punishment and let go the employees in question. Except one of the writ petitioner, others are superannuated.

6. Regulation 45 of the Deccan Grameena Bank (Officers and Employees) Service Regulations, 2010 permits conduct of

disciplinary proceedings after retirement. It is quoted hereunder:

> **"45. Disciplinary proceedings after retirement.-**
> (1) An officer or employee who is under suspension on a charge of misconduct and who attains the age of superannuation, shall be deemed to be in service even after the age of superannuation for the specific purpose of continuation and conclusion of the disciplinary proceedings and issue of final orders thereon.
> (2) The officer or employee who is under suspension shall not be eligible for any subsistence allowance for the period beyond the date of superannuation.
> (3) The officer or employee against whom disciplinary proceeding has been initiated shall cease to be in service on the date of superannuation but the disciplinary proceeding shall continue as if he was in service until the proceedings are concluded and final order is passed in respect thereof.
> (4) The officer or employee against whom disciplinary proceedings has been initiated shall not receive any pay and/or allowances after the date of superannuation and also not be entitled for the payment of retirement benefits till the proceeding is completed and final order is passed thereon except his own contribution to Contributory Provident Fund (CPF).
> *Explanation:* For the purposes of this regulation, the normal retirement benefits such as encashment of privilege leave and Gratuity may be withheld till the completion of the disciplinary proceeding and passing of final order by the Competent Authority and the release of benefits shall be as per the final order of the Competent Authority."

7. When the matters were taken up on the previous date, learned counsel for the appellants-Bank was asked to produce the relevant Rules. Apart from the Rules, the procedure to be followed by the Bank while furnishing documents in matters relating to police complaint or insurance claim in a fraud case have been adverted to. The circular *vide* Cir.No.GB/2010-11/22 dated 30.06.2010 issued by the Chairman of the Deccan Grameena Bank to all Branches/administrative officers provides that the Branch Manager should take at least three Xerox copies of the original documents being submitted to police and keep them in safe or in joint custody duly attested by the Branch Manager for future enquiry/D.P cases etc., if the police has asked for submission of relevant original documents during course of investigation. The stand taken by the appellants-Bank in their counter affidavit shows that these documents were not prepared before submission of the original documents to the Bank report. They obtained it from the custody of the CBI officer without seeking any permission of the Special CBI Court, which course was not proper or permissible in law. The learned writ Court, therefore, rightly

held that the proceedings suffer from such infirmity apart from what has been referred to hereinabove.

8. In such circumstances, we are inclined to interfere with the latter part of the impugned direction whereby the Bank authorities have been given the discretion to impose lesser punishment to the writ petitioners. Accordingly, the said direction is set aside.

9. Let it be indicated that if documents relied upon during enquiry proceedings have been duly obtained with permission of the Special CBI Court or copies thereof have been prepared before submission of the relevant documents to the CBI, the necessity of seeking fresh permission for adducing those documents during course of enquiry will not be required.

10. Except one of the writ petitioner, others have retired. Taking into account that the proceedings have remained pending since last six years, the disciplinary authority shall endeavour to conclude the disciplinary proceedings within a time bound manner, preferably six months from the date of receipt of a copy of this order. The writ petitioners/charged

officers shall cooperate in the enquiry proceedings. Needless to say if they fail to cooperate, it would be open for the disciplinary authority to take a decision, in accordance with law, within the time specified.

11. Writ Appeals are, accordingly, allowed. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-K. SHYLESHI
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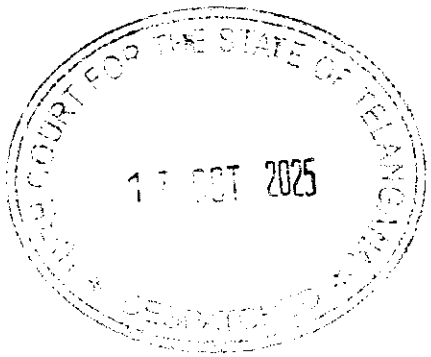
To

1. The Chairman, Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijayasri Sai Celestia, Street No.9, Shankermutt Road, Hyderabad-500044.
2. The Board of Directors-cum- Appellate Authority, Telangana Grameena Bank, Head Office, H.No.2-1-520, 2nd floor, Vijayasri Sai Celestia, Street No.9, Shankermutt Road, Hyderabad-500044.
3. One CC to SRI MUJIB KUMAR SADASIVUNI, Advocate [OPUC]
4. One CC to Ms. K.UDAYA SRI, Advocate [OPUC]
5. One CC to SRI VEDULA SRINIVAS, Senior Advocate (OPUC)
6. Two CD Copies

SA
BS

HIGH COURT

DATED:03/09/2025



COMMON JUDGMENT

WA.Nos.587, 595, 627,
645, 649, 665 AND 699 OF 2025

ALLOWING THE WRIT APPEALS

WITHOUT COSTS.

8
16/10/25