IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE NINTH 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 NO: 1440 OF 2024

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the order dated 02/04/2024 in W.P. No. 17695 of 2021 on the file of the High Court.

Between:

1. The State of Telangana, rep. by its Principal Secretary, Department of Home, Secretariat, Hyderabad.
2. The Inspector General of Police (PERS), Government of Telangana, Hyderabad.
3. The Commissioner of Police, Rachakonda Commissionerate.

...APPELLANTS/RESPONDENTS

AND

Y. Srinivas Rao, s/o. Y. Rama Kotaiah, aged about 53 years, occ- Un-employee, R/o. MIG B 12, Dr A.S. Rao Nagar, Hyderabad-69.

...RESPONDENT/WRIT PETITIONER

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 dt.02.04.2024 passed in W.P.No. 17695 of 2021, pending disposal of the writ appeal

Counsel for the Appellant: SRI B. KRISHNA, GOVERNMENT PLEADER FOR SERVICES (Home)

Counsel for the Respondent: SRI DR D. V. RAO

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.1440 of 2024

JUDGMENT:

Sri B.Krishna, learned Government Pleader for Services (Home), appears for the appellants.

Learned counsel Dr. D.V.Rao appears for the respondent through video conferencing.

2. The penalty of dismissal from service by order dated 09.09.2014 upon conviction of the respondent by the appellate court under Section 498A of the Indian Penal Code, 1860 (IPC), with a sentence of three years rigorous imprisonment and a fine with default sentence invoking Article 311(2) of the Constitution of India in terms of Rule 25 of the Telangana Civil Services (Classification, Control and Appeal) Rules, 1991 (hereinafter referred to as, "the Rules"), has been set aside by the learned writ court by order dated 02.04.2024 passed in W.P.No.17695 of 2021 filed by the respondent, which is under challenge by the aggrieved appellants.

3. Rule 25 of the Rules reads as under:

> **"Rule 25. Special procedure in certain cases:-** Notwithstanding anything contained in Rule 20 to Rule 24—
>
> (i) where penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or
>
> (ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or
>
> (iii) where the Governor is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these Rules,
>
> the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit:
>
> Provided that the Commission shall be consulted, where such consultation is necessary, before any orders are made in any case under this rule.
>
> Provided further that no such consultation with the Commission is necessary before any orders are made under clause (i) of this rule."

4. Rule 25(i) of the Rules permits the disciplinary authority to impose a penalty on the ground of conduct which has led to conviction on a criminal charge. Instead of imposing the penalty under Rule 25(i) of the Rules, the

disciplinary authority proceeded to impose the penalty under Rule 25(ii) of the Rules invoking Article 311(2) of the Constitution of India, which was rightly interfered with by the learned writ court. However, the employer i.e., the appellants have the liberty to pass a fresh order on the ground of conviction of the respondent in a criminal case under Section 498A of IPC by the appellate court in accordance with law after giving the respondent an opportunity to show cause.

5. With the aforesaid observations, the instant appeal is disposed of without interfering in the impugned order. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Home, Secretariat, T.S.,Hyderabad.
2. The Inspector General of Police (PERS), Government of Telangana, Hyderabad.
3. The Commissioner of Police, Rachakonda Commissionerate.
4. Two CCs to GP FOR SERVICES (HOME) High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to SRI. DR D. V. RAO, Advocate [OPUC]
6. Two CD Copies

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BS

HIGH COURT

DATED:09/09/2025



JUDGMENT

WA.No.1440 of 2024

DISPOSING OF THE WRIT APPEAL WITHOUT COSTS

(9)

Sd/-

27/10/25