IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY,THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 34511 OF 2025

Between:

Patti Balakrishna, S/o. late Sri P.Musalaiah, Aged 65 years, Worked as U.D.C., O/o. National Institute of Rural Development and Panchayat Raj (NIRD), At Rajendranagar, Hyderabad, Telangana State.

...PETITIONER

AND

1. The Director General, National Institute of Rural Development and Panchayat Raj (NIRD), At Rajendranagar, Hyderabad, Telangana State
2. The Deputy Director General, National Institute of Rural Development and Panchayat Raj (NIRD), At Rajendranagar, Hyderabad, Telangana State
3. The Secretary, National Institute of Rural Development and Panchayat Raj (NIRD), At Rajendranagar, Hyderabad, Telangana State
4. The Government of India, Rep. by its Secretary, Ministry of Rural Development, Krishi Bhavan, Dr. Rajendra Prasad Road, New Delhi -110001.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ to set aside the dismissal order issued vide impugned orders No. Vig./VC-1/2009/54, dated 22-9-2011 by the 1st Respondent herein and the orders passed in M.A. No. 021/10/2025 in O.A. SR. No. 021/09/2025 and O.A. SR No. 021/09/2025, dated 16-7-2025 by the Hon'ble Central Administrative Tribunal, Hyderabad Bench at Hyderabad. keeping in view of the Judgment passed in C.C. No. 677 of 2014. dated 16-2-2022 on the file of the Principal Junior Civil Judge-cum-XIV Additional Metropolitan Magistrate,

Cyberabad at Rajendranagar and to declare the action of the Respondents in imposing the major punishment of dismissal from service vide impugned orders No. Vig./VC-1/2009/54, dated 22-9-2011 as being arbitrary, illegal, unconstitutional and contrary to the Rules and the Law and consequently direct the Respondent to grant all the service benefits to the Petitioner including pension and pensionary benefits with arrears and other service benefits

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 impugned orders No. Vig./VC-1/2009/54, dated 22-9-2011 issued by the 1st Respondent herein and orders passed in M.A. No. 021/10/2025 in O.A. SR. No. 021/09/2025 and O.A. SR No. 021/09/2025, dated 16-7-2025, by the Hontble Central Administrative Tribunal, Hyderabad Bench at Hyderabad, in pursuance of the Judgment passed in C.C. No. 677 of 2014, dated 16-2-2022 on the file of the Principal Junior Civil Judge-cum-XIV Additional Metropolitan Magistrate, Cyberabad at Rajendranagar

Counsel for the Petitioner : SRI P SRINIVASA RAO

Counsel for the Respondent Nos. 1,2 & 3: SRI N B SUDARSHAN

Counsel for the Respondent No. 4 : SRI B. MUKHARJEE, APPEARING ON BEHALF OF SRI N. BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION No. 34511 of 2025

ORDER:

Heard Sri P.Srinivas Rao, learned counsel for the petitioner; Sri N.B.Sudarshan, learned Standing Counsel appearing for respondent Nos.1, 2 and 3; and Sri B.Mukherjee, learned Senior Counsel appearing on behalf of Sri N.Bhujanga Rao, learned Deputy Solicitor General of India for respondent No.4 and perused the record.

2. This writ petition is filed under Article 226 of the Constitution of India, with the following prayer:-

> *"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ to set aside the dismissal order issued vide impugned orders No. Vig./VC-1/2009/54, dated 22-9-2011 by the 1 Respondent herein and the orders passed in M.A. No. 021/10/2025 in O.A. SR. No. 021/09/2025 and O.A. SR No. 021/09/2025, dated 16-7-2025 by the Hon'ble Central Administrative Tribunal, Hyderabad Bench at Hyderabad, keeping in view of the Judgment passed in C.C. No. 677 of 2014, dated 16-2-2022 on the file of the Principal Junior Civil Judge-cum-XIV Additional Metropolitan Magistrate, Cyberabad at Rajendranagar and to declare the action of the Respondents in imposing the major punishment of dismissal from service vide impugned orders No. Vig./VC-1/2009/54, dated 22-9-2011 as being arbitrary, illegal, unconstitutional and contrary to the Rules and the Law and consequently direct the Respondent to grant all the service benefits to the Petitioner including pension and pensionary benefits with arrears and other service benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice."*

3. The petitioner assails the order dated 16.07.2025 passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad

(hereinafter 'the Tribunal'), whereby the Tribunal dismissed M.A.No.021/10/2025 (for short 'M.A') seeking condonation of delay as being barred by limitation, and consequently dismissed the Original Application *vide* O.A.SR.No.021/09/2025 (for short 'O.A') filed by the petitioner.

Chronological events and factual matrix of the case

Events	Date
Petitioner joins the Army	19-10-1978
Discharged from Army on medical grounds	27-03-1984
Joins NIRD as an Assistant Pump Operator	07-12-1984
Promoted to LDC-cum-Typist	13-03-1992
Petitioner stops attending office. He claims he was threatened by colleagues.	01-08-2008
Charge Memo issued by NIRD for (i) Unauthorized Absence and (ii) Defrauding employees	18-03-2009
Dismissal Order passed by NIRD based on an *ex-parte* enquiry	22-09-2011
Criminal Complaint (Cr. No. 408/2013) lodged against the Petitioner for cheating	22-05-2013
Petitioner arrested and later granted bail	24-05-2013
Acquitted in Criminal Case (C.C. No. 677 of 2014). The Court found contradictions in witness statements and a lack of documentary evidence.	16-02-2022
Petitioner makes a representation to NIRD for pensionary benefits	15-02-2024
NIRD replies, enclosing a copy of the 2011 Dismissal Order, which it claims was sent earlier but returned.	10-09-2024
CAT dismisses the Petitioner's M.A. (to condone delay) and O.A., holding it time-barred.	16-07-2025
Present Writ Petition filed in the High Court	12-11-2025

4. In the present case, the petitioner, a former UDC in the National Institute of Rural Development and Panchayat Raj (NIRD), primarily sought the setting aside of the dismissal order dated 22.09.2011 on the ground that it was never communicated to him and that he became aware of the dismissal only upon receiving a copy along with the respondents' letter dated 10.09.2024; that the period of limitation for assailing the dismissal order should be reckoned from 10.09.2024; and that the O.A. instituted in January 2025 was within time or, in the alternative, involved only a *bona fide* delay of 316 days.

5. The learned counsel for the petitioner raised the following contentions:

i. That the dismissal order dated 22.09.2011 was never communicated to the petitioner and that the petitioner became aware of it only upon receipt of a copy enclosed with the respondents' letter dated 10.09.2024, issued in response to his representation; thus, the period of limitation ought to be reckoned from 10.09.2024, and that the O.A. being instituted in January 2025 was within limitation or and entailed delay of only 316 days.

ii. That the petitioner's absence from duty since 2008 was not wilful, but was occasioned by circumstances beyond his control, inasmuch as he was compelled to stay away from the workplace owing to serious threats and physical assault allegedly meted out to him by members of a chit fund group and certain employees of the office.

iii. That the disciplinary proceedings stand vitiated for gross violation of the principles of natural justice, inasmuch as the charge memorandum, enquiry notices, and the enquiry report were never served upon him; that the *ex parte* enquiry was a

mere formality devoid of any fairness, and that the extreme penalty of dismissal came to be imposed without affording him any meaningful opportunity to present his defence.

iv. That the petitioner was honourably acquitted by the Criminal Court on 16.02.2022 of the very allegations forming the foundation of the departmental proceedings. Placing reliance on the judgments of the Hon'ble Supreme Court in ***G.M. Tank v. State of Gujarat***[1], and ***Capt. M. Paul Anthony v. Bharat Gold Mines Limited***[2], it is contended that where the criminal prosecution and the disciplinary proceedings rest upon an identical set of facts, and the employee is honourably acquitted, the consequential order of dismissal premised on those same facts cannot be legally sustained.

v. That the Tribunal failed to appreciate that the cause of action arose only in September 2024, and that its dismissal of the M.A. on a hyper-technical view of limitation is legally unsustainable and has resulted in a grave miscarriage of justice.

6. *Per contra,* learned Standing Counsel for the respondents supported the Tribunal's order and submitted that the petitioner approached the Tribunal after an inordinate delay of more than 13 years, for which no satisfactory explanation was furnished. The plea that he became aware of the dismissal only in 2024 is asserted to be an afterthought, particularly, when a public notice was issued in *Andhra Jyoti* in 2009. It is submitted that the disciplinary authority strictly followed the CCS (CCA) Rules, made repeated attempts to serve notices at the petitioner's address, and thereafter, issued a public

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[1] (2006) 5 SCC 446
[2] (1999) 3 SCC 679

notification, which the petitioner deliberately avoided, thereby justifying the *ex parte* enquiry.

7. It is further contended that the criminal acquittal is irrelevant, as it was based on the prosecution's failure to prove the charges beyond reasonable doubt, whereas, the departmental proceedings operate on the standard of preponderance of probability. The charges also included unauthorized absence, which is a separate and grave misconduct, admitted by the petitioner himself. The Tribunal rightly held that the petitioner failed to show sufficient cause for condonation of the extraordinary delay, and that Section 21 of the Administrative Tribunals Act, 1985 makes limitation mandatory, leaving no scope to condone a delay of such magnitude.

8. We have taken note of the respective contentions urged.

Analysis and Reasons:

9. After a careful consideration of the aforesaid submissions, we are of the firm opinion that this writ petition is devoid of merits and deserved to be dismissed for the following reasons:

I. On the issue of limitation and delay

10. It is to be noted that the petitioner's entire case hinges on the assertion that he received the dismissal order only on 10.09.2024, which is untenable for several reasons, as set out below:

i. Firstly, the petitioner remained absent without authorization from 01.08.2008. Any reasonable and prudent employee intending to continue in service would have made inquiries

regarding the consequences of such prolonged absence. The petitioner's complete inaction for sixteen years (from 2008 to 2024) itself demonstrates acquiescence and waiver.

ii. Secondly, the respondents have produced material to show that the charge memo was dispatched to the petitioner's permanent address and, upon its return, a public notice was issued in a widely circulated newspaper in the petitioner's native district, which constitutes constructive service in law. Thus, the petitioner's plea of lack of knowledge is not credible.

iii. Thirdly, even if the petitioner's claim of obtaining knowledge only in 2024 is accepted, his conduct remains inexplicable. The petitioner was acquitted in the criminal case in February 2022, and if he genuinely believed himself to be in service, he would have immediately approached the authorities for reinstatement upon such acquittal. Instead, the petitioner delayed for nearly two more years, until February 2024, to submit a representation, which itself undermines his claim of *bona fides*.

11. On perusal of the record, it is to be noted that the petitioner, in his own communication dated 15.02.2024, unequivocally admitted that he had been 'discontinued from service' and made several fatal admissions. The contents of the letter dated 15.02.2024 (Ex.P12) are extracted hereunder:

Dated 15.02.2024
A-VII

From:
Patty Balakrishna
Ex-LDC/Typist
Employee Number: 140/01,
Rojupalem Village,
Prakasham District,
A.P.

To

The Director General,
NIRD & PR,
Rajendranagar,
Hyderabad-500 030.

Respected Sir,

Sub: Request for Sanction of my Pension - Reg.

I submit that I am Patty Balakrishna, aged 63 years old and I am an ex-employee of this institute. I served from 20.12.1984 to July 2008. Nearly 24 years of service. As a result of certain personal issues & few circumstances I could not continue my service from August 2008. Considering my long service and my present age and also the medical issues I am facing now. I request you to please sanction my pension as I am eligible in my position when I discontinue the service. Sanction Amount to deposit my SBI Account. Enclosed Xerox Copy.

Thanking You Sir,

Yours Truly & Sincerely,

Patty Balakrishna
Ex-LDC/Typist
Cell No.9502102774

Copy to: Assistant Registrar.

The said admission clearly demonstrates that the plea now sought to be advanced that he was compelled to remain absent due to threats or other extraneous factors and/or that the departmental proceedings are without notice to the petitioner is a mere afterthought lacking any contemporaneous substantiation.

12. It will not be out of the context to note that when an employee himself acknowledges cessation of service, the burden lies heavily upon the petitioner to explain the circumstances leading to such cessation. The petitioner has failed to discharge this burden. The petitioner's subsequent attempt to attribute his absence to alleged threats, raised after lapse of many years, does not inspire confidence and stands contradicted by his own written admission in the letter dated 15.02.2024. This Court, therefore, finds that the explanation offered is neither credible nor *bona fide*.

13. Furthermore, the delay of over thirteen years in challenging the dismissal order is not merely inordinate but is fatal. The law of limitation is rooted in public policy, ensuring finality in litigation and deeming rights not asserted for long periods to have been waived. The Tribunal was, therefore, fully justified in declining to condone such an egregious delay.

II. <u>On the merits of the dismissal order</u>

14. In the present case, the criminal Court acquitted the petitioner because the witnesses failed to identify the petitioner properly, their testimonies suffered from material contradictions, and there was an absence of documentary evidence to establish the charges beyond reasonable doubt. The criminal Court also observed that the dispute appeared to be civil in nature. Such an acquittal cannot be construed as an honourable acquittal on merits; it is merely a consequence of the prosecution's failure to meet the stringent criminal standard of proof.

15. Crucially, the departmental charge comprised two distinct components. The first and primary charge was the petitioner's unauthorized absence from duty for over three years (from 01.08.2008 to 22.09.2011), which stands entirely independent of the criminal proceedings. The petitioner has offered no convincing explanation for this prolonged absence, and his having remained absent without authorization constitutes a grave misconduct under the CCS (CCA) Rules, warranting, by itself, the imposition of a major penalty such as dismissal. His assertion of having been threatened is a belated and unsubstantiated allegation. The second charge, relating to the petitioner's involvement in private business, though connected with the criminal case, was an additional factor indicative of lack of integrity.

III. <u>On the violation of Principles of Natural Justice</u>

16. It is also pertinent to note that the petitioner's contention that principles of natural justice were violated is also without substance. When an employee deliberately absents himself and avoids communication, the employer is not rendered helpless, the Rules provide for alternative modes of service. In the present case, the respondents made efforts to serve the documents at the available address and, upon failure, took the recourse of a public notification. However, the petitioner, by his own conduct, forfeited his right to participate in the enquiry. Therefore, this Court is of the view that the enquiry conducted was legal and valid.

17. In light of the foregoing discussion, we find no perversity or error of jurisdiction in the well-reasoned order passed by the Tribunal. The Tribunal correctly applied the law of limitation and justifiably refused to condone the delay of over 13 years. The petitioner's attempt to resurrect a long-settled issue on the strength of a criminal acquittal which is unrelated to the charge of unauthorized absence is misconceived. Further, this Court also takes note of the fact that the petitioner has not exhausted the statutory remedy of appeal before approaching the Tribunal. The petitioner not having availed the efficacious alternative remedy is also another factor militating against the petitioner. The Writ Petition lacks merit and is liable to be dismissed.

18. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

Sd/-P.PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI P SRINIVASA RAO, Advocate [OPUC]
2. One CC to SRI N B SUDARSHAN Advocate [OPUC]
3. One CC to SRI N. BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA
4. Two CD Copies

PVL
PMK

HIGH COURT

DATED:14/11/2025

ORDER

WP.No.34511 of 2025



DISMISSING THE WRIT PETITION

WITHOUT COSTS

(6) kpr
28/11/25