

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

**FRIDAY, THE SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 31153 OF 2017

Between:

Reddimalle Shankaraiah, S/o. Mallaiah, aged about 38 years, Occ Junior Lineman, Peddachepyal Distribution, Siddipet, Medak District.

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Energy Distribution Department, Secretariat, Hyderabad.
2. The Southern Power Distribution Company Limited, State of Telangana, Hyderabad, rep. by its Chairman and Managing Director.
3. The Divisional Engineer, Telangana State Southern Power Distribution Company Limited, Siddipet, Medak District.
4. The Superintending Engineer, Telangana State Southern Power Distribution Company Limited, Medak Circle at Sangareddy.

...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 a Writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS, **declaring the action of the respondents in denying the promotion to the Petitioner to the post of Assistant Lineman though he is fully eligible and entitled for the same and promoting the juniors to the petitioner initially on the ground of pendency of Crime No. 28/RCT-NMD/2013, dt: 26.12.2013 and later on the ground of pendency of C.C.No.150 of 2024 pending on the file of Hon'ble II nd Additional Special Judge For SPE & ACB Cases, Hyderabad though only F.I.R was registered on the date of promotion of juniors i.e., 19-04-2017 as being illegal, arbitrary, untenable, unconstitutional and violative**

of Art. 14, 16 and 21 of the Constitution of India and contrary to the orders passed by this Hon'ble Court in similar cases and consequently declare that the Petitioner is entitled to have his claim considered and be promoted to the post of Assistant Lineman as per the seniority and eligibility on par with his juniors and with all consequential benefits without reference to pendency of Criminal proceedings initially vide Crime No. 28/RCT-NMD/2013, dt: 26.12.2013 and later vide C.C.No.150 of 2024 pending on the file of Hon'ble IInd Additional Special Judge For SPE & ACB Cases, Hyderabad.

Prayer is amended as per C.O. dt. 12.02.2026 in I.A.No.1/2026

I.A. NO: 2 OF 2017(WPMP. NO: 38820 OF 2017)

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 direct the respondents to forthwith consider the case of the petitioner for promotion to the post of Assistant Lineman without reference to the pendency of Crime No.28/RCT-NMD/2013, d.t26-12-2013, in the interest of justice and in the interest of the petitioner pending disposal of the main Writ petition.

I.A. NO: 1 OF 2017(WVMP. NO: 4833 OF 2017)

Between:

1. The Southern Power Distribution Company Limited, State of Telangana, Hyderabad, rep.by its Chairman and Managing Director.
2. The Divisional Engineer, Telangana State Southern Power Distribution Company Limited, Siddipet, Medak District.
3. The Superintending Engineer, Telangana State Southern Power Distribution Company Limited, Medak Circle at Sangareddy.

...PETITIONERS

AND

1. Reddimalle Shankaraiah, S/o. Mallaiah, aged about 38 years, Occ Junior Lineman, Peddachepyal Distribution, Siddipet, Medak District.
2. The State of Telangana, rep. by its Principal Secretary, Energy Distribution Department, Secretariat, Hyderabad.

...RESPONDENTS

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 interim orders dated 19-9-2017 in WP No. 31153 of 2017 and dismiss the writ petition, pending disposal of the writ petition.

Counsel for the Petitioner: Ms. CHEKURI JYOTSNA DEVI

Counsel for the Respondent No.1: GP FOR ENERGY

**Counsel for the Respondent No.2 to 4: SRI A.CHANDRA SHEKAR,
SC FOR NPDCL**

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.31153 OF 2017

Dated 6th March, 2026

Between:

Reddimalle Shankaraiah

... Petitioner

AND

The State of Telangana, rep.by its Principal Secretary,
Energy Distribution Department,
Secretariat, Hyderabad
and (3) others

... Respondents

ORDER:

Aggrieved by the action of the respondents in denying promotion to the petitioner to the post of Assistant Linemen merely on the ground that criminal proceedings are pending against him, the present Writ Petition is filed.

2) Heard the learned counsel for the petitioner, learned Government Pleader for Energy appearing for respondent No.1 and Sri A. Chandra Shekar, learned Standing Counsel, appearing for respondent Nos.2 to 4.

3) Learned counsel for the petitioner submits that the petitioner has joined as Junior Lineman in the year 2007 and posted at Siddannapet New Headquarters. Further, consequent upon registration of Crime No.28/RCT-NMD/2013, dated 26.12.2013, under the provisions of Prevention of Corruption Act, the petitioner was placed under suspension and later he was reinstated into service in the year 2016. Learned counsel for the petitioner further submits that though the name of the petitioner is shown at Sl.No.9 in the seniority list of Junior Linemen, his case is not considered for promotion on the ground of pendency of criminal case vide Crime No.28/RCT-NMD/2013, dated 26.12.2013, which was subsequently numbered as C.C.No.150 of 2024 on the file of II Additional Special Judge for SPE & ACB Cases, Hyderabad. Learned counsel further submits that no departmental proceedings are initiated against the petitioner and therefore mere involvement in a criminal case cannot be a ground for disqualifying the petitioner for promotion when the post is a non-selection post. Promotion can be effected to the employee subject to outcome of the criminal case. Learned counsel for the petitioner further submits that as on the date of promotion of juniors of the

petitioner i.e. 19.04.2017, the petitioner was not under currency of disciplinary/criminal proceedings. Hence, denial of promotion to the petitioner is not only contrary to G.O.Ms.No.66 dated 30.01.1991 but also the order of this Court dated 19.06.2023 in W.P. No.45490 of 2022 as well as the judgment of the Hon'ble Supreme Court in Degala Suryanarayana's case. Therefore, the learned counsel seeks indulgence of this Court and prays to direct the respondent authorities to consider the case of the petitioner for promotion to the post of Assistant Lineman without reference to C.C. No.150 of 2024 pending on the file of II Additional Special Judge for SPE & ACB Cases, Hyderabad.

4) Per contra, the learned Standing Counsel submits that based on the complaint lodged by one Kolupula Anjaneulu about the illegal gratification demanded by the petitioner for fixation of agricultural transformer, the Anti Corruption Bureau laid a trap and the petitioner was caught red-handed on 26.12.2013 while accepting illegal gratification of Rs.13,000/-. As such, he was placed under suspension on 26.12.2013 AN and subsequently he was reinstated into service on 20.06.2016. Vide proceedings dated 07.04.2017, sanction was accorded for prosecuting the petitioner

and accordingly a charge sheet was filed against the petitioner for the offences punishable under the provisions of Prevention of Corruption Act before the II Additional Special Judge's Court for SPE and ACB Cases, Hyderabad, on 08.08.2017 and the same is numbered as C.C. No.150 of 2024. Further, G.O.Ms.No.257, GAD (SER.C) Department, dated 10.06.1999, stipulates that the promotion of the employee against whom grave allegations are leveled should not be considered for promotion until the criminal case is decided. As on the date of filing of the present writ petition, the charge sheet is filed before the ACB Court and suppressing the same, the present writ petition is filed. Therefore, the learned Standing Counsel contends that the case of the petitioner can be considered for promotion only after conclusion of ACB case. Hence, he prays to dismiss the writ petition.

5) This Court has taken note of the submissions made by respective counsel and perused the material on record.

6) A perusal of the record would disclose that though the criminal case was registered by ACB authorities vide Crime No.28/RCT-NMD/2013, dated 26.12.2013, but the charge sheet

was filed only on 08.08.2017 i.e. after a lapse of nearly four years and the same is still pending adjudication before the I Additional Special Judge's Court, SPE and ACB Cases, Hyderabad, for trial. Admittedly, the petitioner is figured at Sl.No.9 in the seniority list of Junior Linemen dated 03.03.2017 and fully eligible for promotion. Yet, his case was not considered for promotion to the post of Assistant Lineman only on the ground of pendency of said criminal case, while his juniors were extended promotion. When the delay in concluding the criminal proceedings is not attributable to the petitioner, he cannot be penalized by not extending promotion.

7) In this context it is relevant to refer to the judgment of the Hon'ble Supreme Court in **Chaman Lal Goyal's case (referred supra)**, wherein it is held as under:

"9. Now remains the question of delay. There is undoubtedly a delay of five and half years in serving the charges. The question is whether the said delay warranted the quashing of charges in this case. It is trite to say that such disciplinary proceeding must be conducted soon after the irregularities are committed or soon after discovering the irregularities. They cannot be initiated after lapse of considerable time. It would not be fair to the delinquent officer. Such delay also makes the task of proving the charges difficult and is thus not also in the interest of administration. Delayed initiation of proceedings is bound to give

room for allegations of bias, mala fides and misuse of power. If the delay is too long and is unexplained, the court may well interfere and quash the charges. But how long a delay is too long always depends upon the facts of the given case. Moreover, if such delay is likely to cause prejudice to the delinquent officer in defending himself, the enquiry has to be interdicted. Whenever such a plea is raised, the court has to weigh the factors appearing for and against the said plea and take a decision on the totality of circumstances. In other words, the court has to indulge in a process of balancing.....

10) ...

11) The principles to be borne in mind in this behalf have been set out by a Constitution Bench of this Court in *A.R. Antulay v. R.S. Nayak* [(1992) 1 SCC 225]. Though the said case pertained to criminal prosecution, the principles enunciated therein are broadly applicable to a plea of delay in taking the disciplinary proceedings as well. In paragraph 86 of the judgment, this Court mentioned the propositions emerging from the several decisions considered therein and observed that "ultimately the court has to balance and weigh the several relevant factors – balancing test or balancing process – and determine in each case whether the right to speedy trial has been denied in a given case". It has also been held that, ordinarily speaking, where the court comes to the conclusion that right to speedy trial of the accused has been infringed, the charges, or the conviction, as the case may be, will be quashed. At the same time, it has been observed that that is not the only course open to the court and that in a given case, the nature of the offence and other circumstances may be such that quashing of the proceedings may not be in the interest of justice. In such a case, it has been observed, it is open to the court to make such other appropriate order as it finds just and equitable in the circumstance of the case.

12. **Applying the balancing process, we are of the opinion that the quashing of charges and of the order appointing enquiry officer was not warranted in the facts and circumstances of the case. It is more appropriate and in the interest of justice as well as in the interest of administration that the enquiry which had proceeded to a large extent be allowed to be completed. At the same time, it is directed that the respondent should be considered forthwith for promotion without reference to and without taking into consideration the charges or the tendency of the said enquiry and if he is found fit for promotion, he should be promoted immediately.** This direction is made in the particular facts and circumstances of the case though we are aware that the rules and practice normally followed in such cases may be different. The promotion so made, if any, pending the enquiry shall, however, be subject to review after the conclusion of the enquiry and in the light of the findings in the enquiry. It is also directed that the enquiry against the respondent shall be concluded within eight months from today. The respondent shall cooperate in concluding the enquiry. It is obvious that if the respondent does not so cooperate, it shall be open to the enquiry officer to proceed ex parte. If the enquiry is not concluded and final orders are not passed within the aforesaid period, the enquiry shall be deemed to have been dropped."

(emphasis added)

12) In the instant case, the criminal proceedings are pending against the petitioner since more than 13 years causing prejudice to the petitioner in getting promotion to the next higher post, for no fault of him.

13) In view of the above and having regard to the law laid down by the Hon'ble Supreme Court in **Chaman Lal Goyal's case** (*referred supra*), this Court is of the view that it is a fit case where the respondents can be directed to consider the case of the petitioner for promotion to the post of Assistant lineman without reference to the criminal proceedings.

14) Accordingly, the writ petition is allowed and the respondents are directed to consider the case of the petitioner for promotion to the post of Assistant Lineman, as and when promotions take place, without reference to C.C. No.150 of 2024 on the file of II Additional Special Judge for SPE & ACB Cases, Hyderabad, arising out of crime No.28/RCT-NMD/2013, dated 26.12.2013 of PS ACB, Medak District, Nizamabad Range.

Miscellaneous petitions pending, if any, shall stand closed.

No costs.

SD/-P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Power Distribution Department, Secretariat, Hyderabad.
2. The Chairman and Managing Director, Southern Power Distribution Company Limited, State of Telangana, Hyderabad.
3. The Divisional Engineer, Telangana State Southern Power Distribution Company Limited, Siddipet, Medak District.
4. The Superintending Engineer, Telangana State Southern Power Distribution Company Limited, Medak Circle at Sangareddy..

5. One CC to Ms. CHEKURI JYOTSNA DEVI, Advocate [OPUC]
6. One CC to SRI A.CHANDRA SHEKAR, SC FOR NPDCL [OPUC]
7. Two CCs to GP FOR ENERGY, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CD Copies

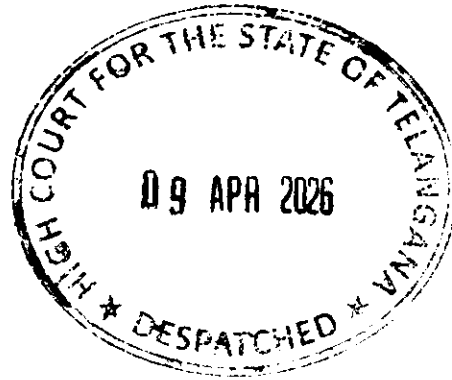
BSR

LS

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HIGH COURT

DATED: 06/03/2026



ORDER

WP.No.31153 of 2017

**ALLOWING THE WRIT PETITION,
WITHOUT COSTS**

(11)
09/04/26
K.V.