

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

**FRIDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NO: 5983 OF 2024

Between:

S K Shukla, S/o Suresh chandra Aged 33 years, Occ Ex. CT/SCR R/o
Paranipur village, Tahsil Meja, Pragraj District, Uttarpradesh

...PETITIONER

AND

1. Union of India/ Government of India, Rep By Ministry of Railways, Through
The Secretary, New delhi
2. The Principle Chief Security, Commissioner RPF South Central Railway
Secundrabad
3. Senior Dicisional Security Commissioner, RPF Secundrabad
4. The Director General Railway Protection Force, 4th Floor , Rail Bhavan ,
Centrel secretariat ,New Delhi,
5. The Office of the Inspector General and Principle Chief Security
Commissioner, Hyderabad.

...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 or a direction or a writ one in the nature of writ of mandamus
declaring the order of dismissal dated 30.11.2022 bearing no.
S/X/P.227/153/3/SKS/2022 under divisional order no. 91/2022 including the rejection
of the appeal dated 23.03.2023 and the revision dated 09.06.2023 as illegal ,
contrary to law, judicial precedents including fundamental rights and consequently
direct the respondents herein to reinstate the petitioners into the post of constable/
CT/ SCR.

I.A. NO: 1 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 order of dismissal dated 30.11.2022 bearing no. S/X/P.227/153/3/SKS/2022 under divisional order no . 91/2022 pending disposal of the above writ petition.

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 amend the pleading of the writ petition grounds by incorporating/adding the "It is submitted that the petitioner was removed from services by termination by the respondents by conducting domestic enquiry It is submitted that the petitioner herein is arrayed as an accused no 4 in Cr.No.794/2021 for the offences of 302,342,330,167,188 and 34 of IPC of Police station Balapur, wherein other accused who were employees of railway Accused. No.1(srikanth.ASI) Accused No.3(Rajamaiiu .ASI) were reinstated into the service 26-11-2024, this fact was Drought to the notice of the respondents and aslso sought reinstatement on par with the other accused but they have negated the request of the petitioner dated 21-11-2025 as such the respondents have subjectted the petitioners to discrimination" as para No.11 in grounds.

Counsel for the Petitioner: SRI J.C. FRANCIS

Counsel for the Respondents: SRI K.L.N. RAGHAVENDRA SC FOR CENTRAL GOVT

The Court made the following: ORDER

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

THE HON'BLE SRI JUSTICE K.SARATH

WRIT PETITION No.5983 of 2024

THE 01ST DAY OF MAY 2026

Between:

S.K.Shukla.

...Petitioner

AND

Union of India/Government of India,
Rep. by Ministry of Railways and others.

...Respondents

ORDER:

Heard Sri J.C.Francis, learned Counsel for the petitioner and Sri K.L.N.Raghavendra, learned Central Government Standing Counsel appearing for the respondents. Perused the material on record.

2. This Writ Petition is filed seeking to declare the order of dismissal dated 30.11.2022, bearing No.S/X/P.227/153/03 /SKS/2022, under Divisional Order No.91/2022, including the rejection of the appeal dated 23.03.2023 and the revision dated 09.06.2023, as illegal, arbitrary and consequently to direct the respondents to reinstate the petitioner into service.

3. Learned Counsel for the petitioner submits that in connected matter of the colleague of the petitioner, this Court disposed of the Writ Petition by remanding the matters to the respondents for reconsideration in W.P.No.33535 of 2024 dated 17.03.2026 and requested this Court to pass a similar order in this Writ Petition also.

4. On the other hand, learned Central Government Standing Counsel appearing for the respondents did not dispute the submissions made by learned Counsel for the petitioner with regard to the disposal of W.P.No.33535 of 2024 dated 17.03.2026 and requested this Court to pass appropriate orders.

5. The relevant portion of the order in ***P.Satyanarayana vs. Union of India/Government of India and others***¹, reads as under:

“13. It clearly shows that the respondent authorities have taken lenient view in other cases for the same incident alleged to have been involved in custodial death of the deceased accused and the criminal case is pending against the said persons including the petitioner. In spite of that the respondent authorities have dismissed the petitioner from

¹ Order dated 17.03.2026 in W.P.No.33535 of 2024 passed by this Court (Unreported)

service and the same was confirmed in the appeal and the revision. The said orders passed by the respondents are contrary to the orders of this Court and also the Judgment of the Hon'ble Supreme Court in **Tata Engineering and Locomotives Co.Ltd., vs. Jitendra Pd.Singh¹**, wherein it was held as under;

"who are facing similar set of charges and proved against them, there cannot be parity of punishments'.

14. In similar circumstances of the case, the order of this Court in **Mohd. Ayoob vs. Commissioner of Police, Hyderabad²**, squarely apply to the instant case. The relevant portion of the said order reads as under;

"In the instant case, the respondents singled out the petitioner by imposing punishment of dismissal and the individuals who faced similar charges that of the petitioner and against whom the charges were proved they were imposed lesser punishments i.e., postponement of increments."

In the instant case also, the respondents have imposed lesser punishment to the other RPF persons, who were involved along with the petitioner in Cr.No.794 of 2021 on the file of Ballarshah Police Station and also faced the same charges in disciplinary proceedings. In view of the same, the said findings of this Court squarely apply to the instant case and the respondents have to re-consider the punishment imposed against the petitioner."

6. In view of the above circumstances and by following the orders of this Court in W.P.No.33535 of 2024 dated 17.03.2026, this Writ Petition is disposed of by setting aside the Office Memorandum *vide* No.S/X/P.227/153/03/SKS/

2022 dated 19.05.2022, the orders of the Appellate Authority *vide* Force Order No.21/2023 dated 23.03.2023 and the orders of the Revisional Authority *vide* Force Order No.48/2023 dated 09.06.2023. The matter is remanded back to the respondents to reconsider the case of the petitioner on par with similarly situated persons who faced similar charges and were imposed lesser punishment.

7. The Registry is directed to annex a copy of the Order dated 17.03.2026 in W.P.No.33535 of 2024 along with this order.

Miscellaneous petitions, if any pending in this Writ Petition, shall stand closed.

//TRUE COPY//

Sd/-M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Ministry of Railways, Union of India/ Government of India, Through The Secretary, New delhi
2. The Principle Chief Security, Commissioner RPF South Central Railway Secundrabad
3. The Senior Divisional Security Commissioner, RPF Secundrabad
4. The Director General Railway Protection Force, 4th Floor , Rail Bhavan , Central secretariat ,New Delhi,
5. The Office of the Inspector General and Principle Chief Security Commissioner, Hyderabad.
6. One CC to SRI J.C. FRANCIS Advocate [OPUC]
7. One CC to SRI K.L.N. RAGHAVENDRA REDDY, SC FOR CENTRAL GOVT [OPUC]
8. Two CD Copies

(Along with a copy of order dated 17.03.2026 Passed in W.P.No.33535 OF 2024)

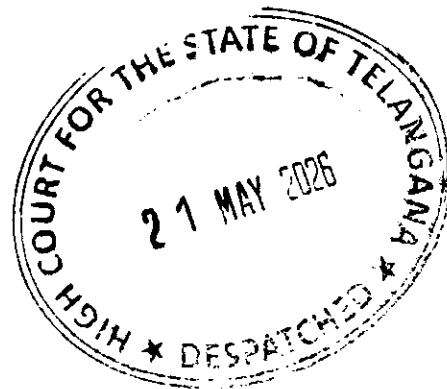
PMK

HIGH COURT

DATED: 01/05/2026

ORDER

WP.No.5983 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(10) MT
20/5/26

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

THE HON'BLE SRI JUSTICE K.SARATH

W.P.No.33535 of 2024

Date:17.03.2026

Between:

P. Satyanarayana.

..Petitioner

And

Union of India/Government of India and others.

...Respondents

ORDER:

Heard Sri Vignendra Varma Rathod, Learned Counsel appearing for the petitioner and Sri N. Bhujanga Rao, Learned Deputy Solicitor General of India appearing for the respondents.

2. This writ petition is filed questioning the Proceedings in Memo No.S/X/P.227/153/04/PSN/2022 dated 21.06.2022, orders of Disciplinary Authority (SR.DSC/SC), Dismissal from service vide D.O.No.90/2022 dated 30.11.2022 and also the upheld order passed by the Appellate Authority and the review order passed by the respondent No.3 vide Force Order No.47/2023

dated 09.06.2023 as arbitrary and illegal and direct the respondents to reinstate the petitioner into service.

3. Learned Counsel appearing for the petitioner submits that the petitioner while working as Head Constable was involved in the arrest of six accused persons in Cr.Nos.3 and 4 of 2021 registered for the offence under Section 3(a) of RP (UP) Act of SKZR Post along with other police personnel. One of the accused namely Anil Ganapathy Madhavi (Al) in Cr.No.3 of 2021 died on 12.07.2021 due to epilepsy in the custody of the police. Basing on the complaint from the mother of the deceased accused, Cr.No.794 of 2021 on the file of Ballarshah Police Station was registered against the petitioner and other RPF officials. The departmental disciplinary proceedings were initiated against the petitioner as per Rule 153 of RPF Rules, 1987 vide Office Memorandum No.S/X/P.227/153/04/PSN/2022 dated 21.06.2022 for the alleged involvement in the said crime of custodial death and violation of the Code of conduct mentioned in Rule No.3(1)(iii) & 3(2)(ii) of Railway Service Conduct Rules,

1966. After enquiry, the petitioner was dismissed from service vide D.O.No.90 of 2022 dated 30.11.2022. The appeal filed by the petitioner was rejected vide Force Order No.20 of 2023 dated 23.03.2023 and the Revision Petition filed by him was also dismissed vide Force Order No.47 of 2023 dated 09.06.2023 confirming the punishment of 'dismissal from service'.

4. Learned Counsel for the petitioner further submits that the petitioner has followed the instructions of his superiors and he was not involved in the alleged custodial death of the deceased accused and falsely implicated in the said criminal case. The facts of the disciplinary case and the criminal case are identical and as such until the criminal case is concluded, the orders of the Disciplinary Authority i.e., 'Dismissal from Service' have no legal sanctity and the Major Penalty Charge Sheet initiated against the petitioner under Rule 153 of RPF Rules 1987 vide Office Memorandum No.S/X/P.227/1563/04/PSN/ 2022 dated 21.06.2022 was made from assumptions with no substantiating incriminating evidence against him. The

appellate as well as revisional authorities have not considered the contentions of petitioner. He further submits that the other accused involved in the same crime were subsequently reinstated into service by the competent authorities and requested to set aside the impugned orders by reinstating him into the post of Assistant Sub-Inspector, ASI/CIB-DW/SC.

5. Learned Counsel for the petitioner further submits that the other Officers along with the petitioner i.e, one K. Srinivas Reddy, Sub-Inspector of RPF and one Satpal Singh, Inspector/RPF, who were involved in criminal case for the custodial death of the deceased accused, have approached this Court by filing W.P.Nos.37100 and 45956 of 2022 respectively and the same were disposed of on 16.11.2023 granting stay of all further proceedings in the departmental proceedings initiated against them till conclusion of the criminal case. One Mr. Sk. Rasheed, Sub-Inspector of RPF, also approached the High Court of Andhra Pradesh at Amaravati by filing W.P.No.18419 of 2022, wherein the Court has granted interim stay of all

proceedings on 14.07.2022 and still they are continuous in services.

6. Learned Counsel for the petitioner further submits that the respondent authorities for the same incident have continued disciplinary proceedings against one Sri M. Sreekanth, ASI and Sri M. Rajamallu, ASI and after conducting enquiry, the respondent authorities have imposed the penalty of reduction of rank, whereas for the same set of facts against the petitioner, the respondent authorities have imposed the penalty of 'dismissal from service'. In the impugned revision orders, the respondent No.3 gave a reason that there cannot be two types of punishment for the same charges and keeping in view the same, Sri K. Rajamallu was dismissed from service vide Force Order No.43/2003 dated 08.06.2023. Subsequently, Sri M. Sreekanth, ASI was also dismissed from service with effect from 07.08.2023 vide Force Order No.219/2024 dated 21.11.2024. Learned Counsel further submits that after rejecting the reinstatement of the petitioner in revision order, the respondent authorities have reinstated Sri M.

Sreekanth and M. Rajamullu into service vide Proceedings dated 21.11.2024 and 10.12.2024 respectively.

7. Learned counsel for the petitioner further submits that the similarly situated persons against whom similar charges were framed for the same crime were continued in service, but the petitioner's case was singled out for continuing from service and the same is shockingly disproportionate and the said orders are liable to be set aside and requested to direct the respondents to reinstate the petitioner into service on par with the similarly situated persons.

8. Learned Deputy Solicitor General of India basing on the counter submits that basing of the complaint given by the mother of the deceased accused alleging that her son died as a result of physical abuse inflicted by the RPF, the police-Ballarshah have registered a case in Cr.No.794/2021 for the offenses under Sections 302, 342, 330, 167, 188 and 34 IPC against the petitioner and others and primary charge was made against the petitioner in tarnishing the

image of the Force by involving himself in heinous crime of murder and the member of Discipline Force involved in a murder case is not acceptable. In terms of Railway Board Lr.No.E(D&A) 95RG6-4 dt.07.06.1995 circulated vide CPO/SC S.C.No.82/95, there is no legal bar for initiation of parallel proceedings regarding departmental disciplinary action where criminal prosecution is in progress.

9. Learned Deputy Solicitor General of India further submits that the suspicious circumstances leading to the death of the accused under custody resulted in involvement of petitioner in the said criminal case which resulted his arrest and registration of case of murder against him. Since the petitioner has violated the RPF Rules, 1987, the departmental proceedings have been initiated against him. He further submits that in terms of Rule 156 of RPF Rules, 1987, the disciplinary authority with a view to ensuring maintenance of integrity in the Force shall consider the award of punishment of dismissal from service any member of the Force in the case of discreditable conduct affecting the image and reputation of the Force and in the instant

case, the petitioner was involved in a criminal case which has tarnished the image of the Force and misconduct of hiding of fact of illegal detention of the accused and based on the facts and evidence placed on record, the Disciplinary Authority, Appellate Authority and Revisionary Authority have rightly taken decision and there is no merit in the writ petition and requested to dismiss the writ petition.

10. After hearing both sides and perusing of the record, this Court is of the considered view that the petitioner while working as Head Constable in Railway Protection Force, was involved in Cr.No.794 of 2021 on the file of Ballarshah Police Station, Chandrapur District, along with other colleagues due to custodial death of the deceased accused and after conducting enquiry, the respondent authorities have imposed major punishment of dismissal from service against the petitioner. The criminal proceedings are still pending and the respondent authorities have initiated disciplinary proceedings against the petitioner as well as the other accused in the said criminal case. Some of the Officers have approached this Court and obtained stay of

disciplinary proceedings till conclusion of the criminal proceedings in W.P.Nos.37100 and 45956 of 2022 dated 16.11.2023 and one of the Officers have approached the High Court of Andhra Pradesh at Amaravati by filing W.P.No.18419 of 2022 and obtained interim stay of disciplinary proceedings. In view of the same, the three Officers against whom the disciplinary proceedings were not finalized by the respondent authorities are continuing in service in their respective positions.

11. In other cases of one Sri M. Sreekanth and one Sri M. Rajamallu, the respondent authorities have initiated disciplinary proceedings and initially imposed punishment of reduction of rank and subsequently dismissed them from service. When the petitioner has raised parity of punishment, the revisional authorities gave finding that reduction of rank was modified to dismissal of service in case of Sri M. Sreekanth and Sri M. Rajamallu and in view of the same, the case of the petitioner cannot be considered in the review and the same is extracted in the impugned revision order and relevant portion is as under;

"Moreover, cases of Sri M. Rajamallu, ASC/CIB-SC (now HC/PTU/NED) and Sri M. Srikanth, ASI/SKZR (now HC/SKZR) are being reviewed by IG-PCSC/SCR and DIG/CSC/SCR respectively. Further, there cannot be two types of punishments for the same charges. Keeping in view of the same, Sri M. Rajamallu was dismissed from service vide this office Force Order No.43/2023 dated 08.06.2023, since the parity of punishment had to be drawn to meet the ends of justice".

12. As per the Memo filed by the petitioner in WP USR No.30684 of 2024, the reinstatement orders of Sri M. Sreekanth dated 21.11.2024 and Sri M. Rajamallu dated 10.12.2024 clearly show that the respondent authorities have reconsidered their case in appeals and reinstated into service after rejecting the case of the petitioner and after filing of the instant writ petition.

13. It clearly shows that the respondent authorities have taken lenient view in other cases for the same incident alleged to have been involved in custodial death of the deceased accused and the criminal case is pending against the said persons including the petitioner. In spite of that the respondent authorities have dismissed the petitioner from service and the same was confirmed in the appeal and

the revision. The said orders passed by the respondents are contrary to the orders of this Court and also the Judgment of the Hon'ble Supreme Court in **Tata Engineering and Locomotives Co.Ltd., vs. Jitendra Pd.Singh**¹ wherein it was held as under;

“who are facing similar set of charges and proved against them, there cannot be parity of punishments’.

14. In similar circumstances of the case, the order of this Court in **Mohd. Ayooob Vs. Commissioner of Police, Hyderabad**² squarely apply to the instant case. The relevant portion of the said order reads as under;

“In the instant case, the respondents singled out the petitioner by imposing punishment of dismissal and the individuals who faced similar charges that of the petitioner and against whom the charges were proved they were imposed lesser punishments ie., postponement of increments.”

In the instant case also, the respondents have imposed lesser punishment to the other RPF persons, who were involved along with the petitioner in Cr.No.794 of 2021 on the file of Ballarshah Police Station and also faced the same charges in disciplinary proceedings. In view of the

¹ (2001) 10 SCC 530

² 2023 SCC OnLine TS 989

same, the said findings of this Court squarely apply to the instant case and the respondents have to re-consider the punishment imposed against the petitioner.

15. In the above circumstances, the Writ Petition is disposed of by setting aside the Proceedings Memo No.S/X/P.227/153/04/PSN/2022 dated 30.11.2022, orders of the Appellate Authority vide Force Order No.20/2023 dated 23.03.2023 and the Revisional Authority vide Fore Order No.47/2023 dated 09.06.2023 and the matter is remanded back to the respondents to reconsider the case of petitioner on par with similarly situated persons, who faced similar charges and imposed lesser punishment against them.

16. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

JUSTICE K.SARATH,

Date: 17.03.2026

sj