[3488]

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 459 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 28/08/2025, in W.P.No. 21050 of 2021 on the file of the High Court.

Between:

1. The Singareni Collieries Company Limited (SCCL), Rep by its Chariman and Managing Director (andDisciplinary Authority), Kothagudem Collieries-507 101, Bhadradri Kothagudem Dist. (TS).
2. The Director (Personnel Administration and Welfare), The Singareni Collieries Company Limited (SCCL), Kothagudem Collieries-507 101, Bhadradri Kothagudem Dist. (TS).
3. The General Manager Personnel) Executive Establishment, The Singareni Collieries Company Limited (SCCL), Kothagudem Collieries-507 101, Bhadradri Kothagudem Dist. (TS)

...APPELLANTS/RESPONDENTS

AND

A Manohar Rao, S/o Gopal Rao, Aged about 64 years Occ. Retired Director (Planning and Projects) The Singareni Collieries Company Limited (SCCL) R/o H.No. 505-Athena-C, Casa Paradiso Sanath Nagar, Sanath Nagar Hyderabad-500 018, (TS)

...RESPONDENT/PETITIONER

I.A. NO: 2 OF 2026

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 stay the operation of the order of the learned single judge date 28/08/2025 passed in writ petition No. 21050 of 2021 pending the Writ Appeal, Otherwise, the Petitioner/Appellant Company would sustain irreparable loss and injury.

Counsel for the Appellants: SRI P.SRI HARSHA REDDY, SC FOR SINGARENI COLLIERIES CO LTD

Counsel for the Respondents: SRI G.VIDYA SAGAR, SENIOR COUNSEL FOR Ms. K.UDAYA SRI

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.459 of 2026

Dated: 23.04.2026

Between:

The Singareni Collieries Company Limited (SCCL),
Rep. by its Chairman and Managing Director & Disciplinary Authority,
Kothagudem Collieries – 507 101,
Bhadradri Kothagudem District (TS),
and 2 others.

...Appellants

and

A.Manohar Rao

...Respondent

JUDGMENT:

Sri P.Sri Harsha Reddy, learned Standing Counsel for Singareni Collieries Company Limited, appears for the appellants.

Learned Senior Counsel Sri G.Vidya Sagar, representing learned counsel Ms. K.Udaya Sri, appears for the respondent.

2. The present appeal is preferred against the judgment dated 28.08.2025 passed by the learned Single Judge allowing W.P.No.21050 of 2021 filed by the respondent.

3. Today, during the course of hearing, learned counsel for the parties are in consensus that the present appeal can be disposed of in the lines of judgment dated 09.04.2026 passed by this Court in W.A.No.1507 of 2025, where similar issue was involved.

4. W.A.No.1507 of 2025 was dismissed by this court on 09.04.2026 with the following conclusion:

> "**Conclusion**
>
> 20. For the foregoing reasons, this Court is of the considered view that the learned Single Judge was fully justified in setting aside the Articles of Charges dated 26.07.2021. The said charge memo having been issued beyond the period of limitation prescribed under Rule 34.5 of the Singareni Collieries Executives Conduct, Discipline and Appeal Rules, 1989 is clearly without jurisdiction and unsustainable in law.
>
> 21. Accordingly, this Writ Appeal is dismissed. The order dated 28.08.2025 passed by the learned Single Judge in W.P.No.37521 of 2021 is hereby affirmed."

5. In view of the aforesaid, as W.A.No.1507 of 2025 wherein similar issue was involved was dismissed by this court vide judgment dated 09.04.2026, the present appeal is also dismissed. There shall be no order as to costs.

2026:TSHC:15025-DB

Miscellaneous applications pending, if any, shall stand closed.

SD/-L. LAKSHMI BABU
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI P.SRI HARSHA REDDY, SC FOR SINGARENI COLLIERIES CO LTD [OPUC]
2. One CC to Ms. K.UDAYA SRI, Advocate [OPUC]
3. Two CD Copies

(Along with a copy of the judgment dated 09.04.2026 passed in WA.NO.1507 of 2025)

PSK.
BS

HIGH COURT

DATED: 23/04/2026

JUDGMENT
WA.No.459 of 2026

DISMISSING THE WRIT APPEAL
WITHOUT COSTS

(5) NT
6/5/26

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.1507 of 2025

DATE: 09.04.2026

Between:

The Singareni Collieries Company Limited,
Rep. by its Chairman & Managing Director
and 2 others

....Appellants

And

S.V.S.S. Ramalingeswarudu **....Respondent**

JUDGMENT

Heard Sri. P.Sri Harsha Reddy, learned Standing Counsel for Singareni Collieries Company Limited, appearing for the appellants and Sri. Kallepalli Thirumala Rao, learned counsel appearing for the respondent and perused the record.

2. This writ appeal is directed against the order dated 28.08.2025 passed by the learned Single Judge in W.P.No.37521 of 2021, whereby the charge memo (Articles of Charges) dated 26.07.2021 issued to the respondent was quashed on the ground that it was issued beyond the period of limitation prescribed under Rule 34.5 of the Singareni Collieries Executives Conduct, Discipline and Appeal Rules, 1989 (hereinafter referred to as "CDA Rules 1989").

Factual matrix (in brief)

3. The Respondent was initially appointed as a Mining Graduate Trainee with SCCL on 12.03.1983 and, after a career of over 37 years, retired as General Manager (HRD) on 30.11.2020 upon attaining the age of superannuation. The dispute lies in a tender process for overburden (OB) removal at the Srirampur Opencast Project (SRPOC). The respondent had served as General Manager of the Contract Management Cell (CMC) from 14.04.2015 to 23.04.2016. It was alleged that, during this tenure, the respondent failed to work out technical and financial implications regarding equipment, incorporated an incorrect diesel formula, and introduced contradictory clauses in the tender, resulting in an alleged financial loss of approximately Rs.44.73 Crores to SCCL.

4. Based on an enquiry by the Vigilance & Enforcement Department of the Government of Telangana, which submitted its report on 04.06.2021, the appellants issued a Charge Memo (Articles of Charges) dated 26.07.2021 to the respondent, who had by then already retired i.e., on 30.11.2020. Aggrieved by the charge memo issued after his retirement, the respondent filed W.P.No.37521 of 2021. The primary ground was that the charge memo was issued beyond the period of limitation prescribed under Rules 34.4 and 34.5 of the CDA Rules 1989, which prohibit the institution of disciplinary proceedings for an event or cause of action that took place more than four years before such institution. The Respondent contended that the alleged events pertained to his tenure in the CMC, which ended on 23.04.2016, and the final purchase order was issued on 29.06.2016, both of which were more than four years prior to the charge memo dated 26.07.2021.

5. The appellants contested the writ petition, arguing that the relevant event was the discovery of the irregularity, specifically a "diesel tanker diversion incident" at SRPOC that came to light and was reported in print media only on 02.02.2019 and 25.02.2019. They also relied on the sanction obtained under Rule 34.4(1) to initiate proceedings against a retired employee.

6. The learned Single Judge, after considering the rival contentions and the relevant rules, allowed the writ petition on 28.08.2025. The Court held that the respondent had left the CMC as General Manager in 2016 and that the event/cause of action arose during 2015-16 or, at the latest, on 29.06.2016 when the purchase order was issued. The Court found that issuing the charge memo on 26.07.2021 was beyond the four-year limitation period prescribed under Rule 34.5 of the CDA Rules 1989. Consequently, the charge memo was held to be without jurisdiction and was set aside.

7. Aggrieved by the said order, the appellants-Company has preferred the present writ appeal.

Submissions on behalf of the appellants

8. Learned counsel for the appellants, assailing the impugned order dated 28.08.2025 of the learned Single Judge has advanced the following submissions:

i) That the learned Single Judge erred in law and on facts in treating 23.04.2016, i.e., the date on which the respondent ceased to function in the CMC, as the relevant "event" under Rule 34.5 of the CDA Rules, 1989, whereas the actual event arose only in February, 2019 with the detection of the diesel tanker diversion at SRPOC, reported on 02.02.2019 and 25.02.2019, followed by the Vigilance & Enforcement enquiry culminating in report dated 04.06.2021, pursuant to which Articles of Charges were issued on 26.07.2021. Thus, the "event" is the discovery of the irregularity and resultant financial loss in 2019, and not the respondent's tenure ending in 2016, rendering the impugned order erroneous.

ii) That the learned Single Judge failed to appreciate the true scope and ambit of Rule 34.4 of the CDA Rules, 1989, which expressly permits initiation of disciplinary proceedings after retirement subject to sanction of the Chief Executive and compliance with the prescribed conditions; in the present case, the Disciplinary Authority, namely the Chairman & Managing Director, has duly accorded such sanction, thereby satisfying the statutory requirement and validating the issuance of the charge memo; it is therefore submitted that Rule 34.4, being an enabling provision and an exception to the general bar under Rule 34.5, has been misconstrued, as once proper sanction is granted, the proceedings cannot be invalidated merely on the ground of delay, particularly when such delay is attributable to the time taken for discovery and investigation of the misconduct.

iii) That the acts of misconduct attributed to the respondent were not isolated but constituted a continuing wrong, forming part of an ongoing chain of irregularities with enduring financial implications; the defects in the tender process, such as incorporation of an incorrect diesel formula, enhancement of conventional equipment, and inclusion of contradictory clauses continued to operate upon the contract awarded on 29.06.2016 for a period of 72 months, resulting in financial loss that accrued over time. Thus, the cause of action is a continuing one and the charge memo issued in 2021 is not barred by limitation.

iv) That the learned Single Judge adopted an unduly hyper-technical and restrictive approach in quashing the charge memo at the threshold, despite the allegations involving serious misconduct such as dishonesty, negligence, and substantial financial loss to the public exchequer. It is well settled that

Courts ought not to interfere at the stage of issuance of a charge memo on technical grounds of limitation unless it goes to the root of jurisdiction; moreover, the respondent, having participated in the disciplinary proceedings by submitting his explanation and seeking adjournments, cannot be permitted to approbate and reprobate by subsequently challenging the initiation of the very proceedings.

Submissions on behalf of respondent

9. Learned counsel for respondent supported the order of the learned Single Judge and has advanced the following submissions:

i) That Rule 34.5 of the CDA Rules, 1989 is clear and unambiguous in prohibiting initiation of disciplinary proceedings beyond four years from the date of the event; in the present case, the respondent served as General Manager (CMC) from 14.04.2015 to 23.04.2016, and the entire tender process, including NIT (22.02.2016), corrigendum (02.04.2016), and purchase order (29.06.2016), was completed within or immediately after his tenure, and the alleged acts of misconduct stood concluded by 2016; hence, the charge memo dated 26.07.2021 is *ex facie* beyond the statutory period and barred by limitation.

ii) That the appellants' reliance on the date of discovery in 2019 is misconceived, as Rule 34.5 refers to an "event which took place" and not one "discovered". Thus, limitation runs from the date of occurrence of the alleged misconduct, not its detection, and the appellants cannot extend the limitation period on account of their own delay in discovery or investigation.

iii) That Rule 34.4, being procedural and governing post-retirement proceedings, does not override the substantive limitation under Rule 34.5; rather, it incorporates the same four-year bar, and therefore sanction by the Chief Executive cannot revive a time-barred action.

iv) That the doctrine of continuing wrong is inapplicable, as the alleged misconduct relates to specific acts in the tender process completed by 2016, and the subsequent execution of the contract or accrual of financial loss are merely consequences thereof and do not constitute continuing acts of misconduct.

10. We have taken note of the respective contentions urged and perused the material on record including the Articles of Charges, the respondent's statement of defence, the relevant provisions of the Singareni Collieries Executives Conduct, Discipline and Appeal Rules, 1989.

Consideration by this Court

11. The issue that arises for consideration in the present case is whether the charge memo dated 26.07.2021 is barred by limitation under Rule 34.5 of the CDA Rules 1989. The Rule 34.5 of the CDA Rules 1989 stipulates as under:

> *34.5.- No disciplinary proceedings shall be instituted in respect of a cause of action which arose or in respect of an event which took place more than 4 years before such institution.*

12. It is to be noted that the language employed in the said Rule is plain and unambiguous. The expression "event which took place" clearly refers to the date of occurrence of the alleged misconduct. The Rule does not contemplate computation of limitation from the date of discovery or from the point when the consequences of such act came to light. In the absence of any such provision, the limitation must necessarily be reckoned from the date of the event itself.

13. The Punjab and Haryana High Court dealing with a similar instance in ***Baldhir Singh v. State of Punjab & others***[1] has held as under:

> *(6) A bare perusal of the aforementioned Rule makes it clear that Rule 2.2(b)(2)(ii) places a complete embargo on holding of an enquiry against a retired employee for any event which has happened four years prior to the institution of enquiry.. In other words, in case a departmental proceeding is to be initiated against an employee after' his retirement, it cannot be in respect of an event, which has taken place more than four years prior to the date of the institution of inquiry. The rationale behind the rule appears to be that a retiree should not be subjected to undue hardship in the evening of his life after having rendered satisfactory service to the State. If old matters which have been settled by afflux of time are permitted to be re-opened after expiry of period of four years then a retiree may not be in a position to defend himself because the evidence in his favour may not be available. The co-employee after retirement might have settled at far flung places and memory may not serve such witnesses and the retiree. The 'Sword o f Damocles ' in the shape of departmental inquiry cannot be kept hanging on the head of tthe retiree for all times to come and he should be allowed to live in peace after the statutory period of four years of his retirement has come to an end. Moreover, the learned State counsel has not*

[1] CWP.No. 17458 of 2007 dated 18.07.2018

been successfully able to controvert the argument and judgments (supra) relied upon by the learned counsel for the petitioner.

(7) We also find merit in the contention raised by the learned counsel for the petitioner that the question raised in the instant petition is no longer res Integra and has been adjudicated in various Division Bench judgments of this Court in the cases of Puran Chand (supra), L.B. Gupta (supra) R.C. Gupta (supra) Gurdev Singh (supra) and M.P. Goswami (supra).

(8) The aforementioned discussion shows that on principle as well as on precedent it has been held that no inquiry could be initiated against a retired employee in respect of an event which has taken place more than four years preceding the date of such initiation. In the present case the event in respect of which inquiry has been initiated is more than five years old. Therefore, the same is liable to be set aside.

(Emphasis supplied)

14. A perusal of the Articles of Charges would reveal that all the allegations pertain to the period when the respondent was functioning as General Manager (CMC) between 14.04.2015 and 23.04.2016, which are extracted as under:

Article-I: That the said Sri S.V.S.S.Ramalingeswarudu, EC.No.0014619 had been worked as General Manager, Contract Management Cell (CMC), Corporate from 14.04.2015 to 23.04.2016. While functioning as General Manager(CMC), he had committed the following acts of misconducts:

(a) He failed to workout required technical & financial implications before Increasing the conventional equipment from 3 to 8 as per the request of the contractor in pre-bid meeting due to which there is a financial loss of Rs.44.73 Crores.

(b) He has failed to evaluate a formula for HEMM in combination with conventional equipment as envisaged in the order and responsible for setting of contradictory clause vide para 1.1.3(e) and 1.1.3(g).

(c) He failed to verify the contradicting clauses in corporate in the OB contract Order for payment.

(d) He failed in taking into consideration of contractor's uploaded document which states the proposed deployment of 6.50 cum shovel in combination with 100 T Dumpers.

(e) He failed to notice the modifications approved by the authority through corrigendum-IV vide dated 2.4.2016 for enquiry no.E111500471, dated 22.02.2018, -1.1.3(e) not reflected as per the corrigendum in the order. But, while issuing the order, the clause which was published before corrigendum was included.

All the said alleged acts stood completed, by the time the corrigendum was issued on 02.04.2016, and in any event, by

23.04.2016 when the respondent was relieved from the CMC. The subsequent issuance of the purchase order on 29.06.2016 was admittedly after the respondent had ceased to be in the said position. Even if the said date of 29.06.2016 is taken as the last relevant event, the charge memo dated 26.07.2021 has been issued beyond a period of four years therefrom. Thus, the initiation of disciplinary proceedings is *ex facie* barred by limitation under Rule 34.5 of the CDA Rules 1989.

15. Further, the contention of the appellants that the relevant event is the diesel tanker diversion incident reported in the year 2019 cannot be accepted. The charges framed against the respondent do not pertain to the act of diversion itself, but to alleged lapses in the formulation of tender conditions during 2015–2016. The incident of 2019 may at best have led to detection or investigation, but it cannot be treated as the "event" for the purpose of Rule 34.5. Acceptance of such a contention would defeat the very object of the limitation provision and render it otiose.

16. The Hon'ble Supreme Court in ***State Bank of India and others v. Navin Kumar Sinha***[2], while invalidating the disciplinary proceedings initiated against an employee after the completion of his service, has held as under:

> *31. As has been held by this Court on more than one occasion, a subsisting disciplinary proceeding i.e. one initiated before superannuation of the delinquent officer may be continued post superannuation by creating a*

[2] 2024 SCC OnLine SC 3369

> *legal fiction of continuance of service of the delinquent officer for the purpose of conclusion of the disciplinary proceeding (in this case as per Rule 19(3) of the Service Rules). But no disciplinary proceeding can be initiated after the delinquent employee or officer retires from service on attaining the age of superannuation or after the extended period of service.*
>
> *(Emphasis supplied)*

17. It is to be noted that the reliance placed by the appellants on Rule 34.4 is also misconceived. Rule 34.4, while permitting initiation of disciplinary proceedings after retirement with the sanction of the competent authority, itself incorporates a limitation that such proceedings shall not relate to an event which took place more than four years prior. Therefore, the requirement of sanction does not override the substantive bar of limitation. As rightly observed by the learned Single Judge, even Rule 34.4 cannot be invoked to sustain proceedings which are otherwise barred under Rule 34.5.

18. Further, the argument that the misconduct constitutes a continuing wrong is untenable, as the allegations relate to specific acts performed during a defined period in 2015–2016. The subsequent financial implications or losses do not convert such completed acts into a continuing cause of action. The respondent was no longer in the CMC during the period of execution of the contract, and therefore, the theory of continuing wrong has no application.

19. It is well settled that when the rules prescribe a limitation period for initiation of disciplinary proceedings, the same must be strictly adhered to, failing which the proceedings would be without jurisdiction. The learned Single Judge has rightly held that initiation of disciplinary proceedings beyond the prescribed period amounts to an inherent lack of jurisdiction. We find no infirmity in the said reasoning.

Conclusion

20. For the foregoing reasons, this Court is of the considered view that the learned Single Judge was fully justified in setting aside the Articles of Charges dated 26.07.2021. The said charge memo having been issued beyond the period of limitation prescribed under Rule 34.5 of the Singareni Collieries Executives Conduct, Discipline and Appeal Rules, 1989 is clearly without jurisdiction and unsustainable in law.

21. Accordingly, this Writ Appeal is dismissed. The order dated 28.08.2025 passed by the learned Single Judge in W.P.No.37521 of 2021 is hereby affirmed.

As a sequel, miscellaneous petitions, pending if any, stand closed. No costs.

APARESH KUMAR SINGH, CJ

G.M.MOHIUDDIN,J

Date: 09.04.2026
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