



2026:TSHC:7470

[3219]

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

**MONDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 14103 OF 2023

Between:

Eluri Sreenivasa Rao, S/o. Jogaiah, Age 56 years, Occ - M.P.D.O., Now working as Executive Director, District Scheduled Castes Service Cooperative Development Society Ltd (SC Corporation), Khammam, (IDOC), Khammam District

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Panchayat Raj and Rural Development Dept, Telangana Secretariat, Hyderabad.
2. The Director of Panchayat Raj and Rural Employment, Panchayat Bhavan Urdu Hall Lane, Himayatnagar, 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 a Writ, Order or direction more in the nature of Mandamus declaring the orders passed by the 2nd respondent in proceedings No.2323/DPR&RE/E3/2020 dt. 14/4/2023 imposing penalty of stoppage of 2 annual grade increments without cumulative effect as illegal, arbitrary and violation of Article 14, 16, 21 and 311(2) of Constitution of India and contrary to Rule 20 of TS CS and CCA Rules 1991 and in violation of principles of natural justice and consequently declare that the respondent cannot impose any punishment and to grant all consequential attendant benefits.



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I.A. NO: 1 OF 2023

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 issue Interim Direction directing the respondents to forthwith consider the case of the petitioner for promotion to the post of Deputy Chief Executive Officer without reference to the punishment orders imposed in proceedings No.2323/DPR&RE/E3/2020 dt. 14/4/2023 pending disposal of the above Writ Petition.

I.A. NO: 2 OF 2023

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 issue Interim Direction suspending the operation of the orders passed by the 2nd respondent in proceedings No.2323/DPR&RE/E3/2020 dt.14/4/2023 pending disposal of the above Writ Petition.

I.A. NO: 3 OF 2023

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 consider the case of the petitioner for promotion to the post of Deputy Chief Executive Officer in the ensuring departmental promotion committee without reference to the stoppage of 2 annual grade income without cumulative effect in Proceedings No.2323/DPR& RE/E3/2020 pending disposal of the Writ Petition in the interest of Justice.

Counsel for the Petitioner: SRI P.V.RAMANA

Counsel for the Respondents: GP FOR SERVICES-II

The Court made the following: ORDER



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

THE HON'BLE SMT.JUSTICE T. MADHAVI DEVI

WRIT PETITION No.14103 OF 2023

DATE: 23.03.2026

Between:

Eluri Sreenivasa Rao

...Petitioner

AND

The State of Telangana & another

...Respondents

ORDER

In this writ petition, the petitioner is seeking a Writ of Mandamus to declare the order passed by the 2nd respondent dt.14.04.2023 imposing penalty of stoppage of 2 annual grade increments without cumulative effect, as illegal, arbitrary, unconstitutional and contrary to Rule 20 of TS CS & CCA Rules, 1991 and also in violation of principles of natural justice and consequently to set aside the same and to pass such other order or orders.

2. Brief facts leading to the filing of this writ petition is that the petitioner was initially appointed as MPDO in the year 2007 and thereafter he was working in Panchayat Raj and Rural Development Department. While so, he was elected as Secretary of Telangana Non-Gazetted Officers House Building Cooperative Society Ltd, Khammam. It is submitted that there was a Vigilance and Enforcement Department report dt.17.03.2016 making certain allegations against the petitioner, while working as Secretary of TNGO House Building Cooperative Society with regard to irregularities in registration of plots to non members, Gazetted Officers, adding new members into the Society etc. On the basis of the said Vigilance & Enforcement Department report dt.17.03.2016, a charge memo was issued to the petitioner on 24.11.2020 framing six (06) charges. Petitioner has submitted written statement on 12.12.2020 denying all the charges and thereafter, an Enquiry Officer was appointed on 02.01.2021 and the Enquiry Officer conducted an enquiry and submitted his report on 21.05.2021 by holding all the charges as proved. Petitioner submitted his objections to the enquiry report on 13.07.2021 and thereafter, the impugned order of punishment

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has been passed. Challenging the same as in violation of principles of natural justice, the present writ petition has been filed.

3. Learned counsel for the petitioner submitted that neither an Enquiry Officer, who has submitted the report has been examined as a witness nor any other witness has been examined during the course of enquiry. He has drawn the attention of this Court to the references to the report of District Cooperative Officer (DCO) dt.01.03.2021, 10.03.2021, 17.03.2021 and 22.03.2021 which formed the basis for charges being held as proved by the Enquiry Officer. He submitted that these reports were called for after Enquiry Officer has been appointed on 02.01.2021 and none of these documents have been furnished to the petitioner. Therefore, the petitioner has not been given any opportunity to rebut the observations of the DCO, Hyderabad. He submitted that these objections were raised by the petitioner before the disciplinary authority in his objections to the enquiry report. But except for mere reference to the objections of the petitioner on 13.07.2021 in the reference column, there is no

discussion or observation with regard to the contentions therein, by the disciplinary authority. Therefore, according to the learned counsel for the petitioner, there is total non-application of mind by the disciplinary authority. He therefore prays that the impugned order be set aside and submits that the charges/allegations against the petitioner are all in respect of the Society and are not in any way related to the official functions of the petitioner as MPDO in the Panchayat Raj Department.

4. Learned Government Pleader for Services-II, on the other hand, submitted that there is a provision of Appeal against the impugned order and the petitioner ought to have availed the said statutory Appeal. As regards the other contentions with regard to violation of principles of natural justice, she submitted that if the Court is convinced that the enquiry has not been conducted properly, impugned order may be set aside and may be remanded the matter to the authorities for re-conducting of enquiry by following due procedure.

5. Learned counsel for the petitioner, however objected to the same and submitted that the charges are framed with respect to



the incidents which happened in the year 2005 and the charge memo was issued in the year 2016 on the basis of vigilance report dt.17.03.2016 and the enquiry was conducted in the year 2021 and that there was considerable delay on the part of the respondents only and the petitioner may be penalized for the action of the respondents. Therefore, he prayed that the matter may not be remanded back to the authorities particularly because the allegations also are not in respect of the official functions of the petitioner as MPDO.

6. Having regard to the rival contentions and material on record, this Court finds that once the enquiry has been initiated under Rule 20 of TS CS & CCA Rules, the respondents are required to follow the relevant Rules and the procedure prescribed thereunder and the principles of natural justice and provide the petitioner/employee all the relevant documents on which they placed reliance upon. The charge memo itself should have referred to the documents which are relied upon to frame the charges against the petitioner. Though there is no prohibition in obtaining the documents subsequently with regard

to the charges, the same should have been furnished to the petitioner and sought for his explanation before considering the same against the petitioner. In this case, the report of the DCO has been received subsequent to the appointment of the enquiry officer and therefore, they ought to have been furnished to the petitioner and the petitioner should have given an opportunity to counter the same in submitting his explanation or evidence. No such opportunity has been given to the petitioner. Further, as rightly pointed out by the learned counsel for the petitioner that the report of the Vigilance Department is the basis for issuance of the charge memo, but no officer has been examined as a witness and the contents of the report proved. The report of the Vigilance Officer is the preliminary report and that itself cannot be considered as conclusive to form basis for imposing of any penalty. In view of these two grave irregularities, the impugned order cannot be sustained. Therefore, it is accordingly set aside.

7. As regards the contentions of the learned Government Pleader that the petitioner should have availed alternative remedy of statutory Appeal and hence this writ petition is not



maintainable, this Court finds that petitioner can approach this Court against the impugned order if the enquiry has not been conducted in accordance with Rules or where the principles of natural justice are not followed. The objection of the learned Government Pleader is therefore not accepted.

8. As regards the contention of the learned Government Pleader to remand the matter to the authorities for re-conducting enquiry in a proper manner, this Court is of the opinion that more than 20 years have passed after the alleged incidents in the year 2005 and after such a long period, conducting enquiry afresh with regard to the same allegations that too on irregularities of unofficial functions of the petitioner may not be justified. The authorities have deemed the charges as not so grave and therefore, have imposed penalty of only withholding of two annual grade increments without cumulative effect. Therefore, this Court is not inclined to remand the matter to the authorities for fresh enquiry as well.

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7. Accordingly, this Writ Petition is allowed. No order as to costs. Miscellaneous applications, if any, pending in this writ petition, shall stand closed.

SD/-P.PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj and Rural Development Dept, Telangana Secretariat, Hyderabad.
2. The Director of Panchayat Raj and Rural Employment, Panchayat Bhavan Urdu Hall Lane, Himayatnagar, Hyderabad
3. One CC to SRI P.V.RAMANA, Advocate [OPUC]
4. Two CCs to GP FOR SERVICES-II, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

BSR
GJP



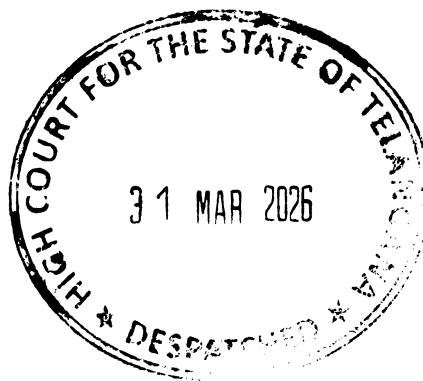
2026:TSHC:7470

HIGH COURT

DATED: 23/03/2026

ORDER

WP.No.14103 of 2023



**ALLOWING THE WRIT PETITION,
WITHOUT COSTS**

(S)MT
31/3/26