



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

**WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION (TR) NO: 139 OF 2017

Between:

Md. Abdul Quavi, S/o. Md. Abdul Ali, Assistant Engineer, Panchayat Raj
(under removal from service), Nalgonda District, R/o. H.No.5-11-2 Near little
flower School, Nalgonda District

...PETITIONER

AND

1. The Government of Telangana, rep. by its Principal Secretary, Panchayat Raj and R.D. Development, Secretariat, Hyderabad-500 022.
2. The Engineer -In-Chief, Panchayat Raj Dept., Telangana State, Erramanzil, Hyderabad 500001
3. The Superintending Engineer, Panchayat Raj, Warangal, Warangal District 506001
4. The Executive Engineer, Panchayat Raj, Mahaboobabad, Warangal District 506001

...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 to call for the records relating to and connected with the impugned order in procs.No.Vig.II(5)/23063/03, dt.30.01.2012 imposing punishment of removal from service with retrospective effect from 07.10.1988 by the 2nd respondent and consequential orders issued in Memo.No.15735/E.II/2009.14 dt.30.10.2012 of the 1st respondent and set aside the same by holding it as illegal, irregular, arbitrary, unfair, unjust contrary to the facts and evidence available on the records and violation of rule 20 of APCS (CCA) Rules, principles of natural and constitutional provisions and service granting all consequential benefits such as (i) payment of salary for the deputation period from 07-10-1988 to 19-03-1989, (ii) treating the periods from 20.03.1989 to 15.04.1989 and to 06.06.2003 as compulsory wait and (iii) leave period from 16.04.1989 to 28.11.1999 as eligible leave/Extraordinary leave etc., on private affairs and other consequential benefits.

Counsel for the Petitioner: SRI M.A.K.MUKHEED

Counsel for the Respondents: SRI B.SRAVAN KUMAR, GP FOR SERVICES-I

The Court made the following: ORDER



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2026:TSHC:7701

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

THE HON'BLE SRI JUSTICE K.SARATH

WRIT PETITION (TR) No.139 OF 2017

DATE: 18 02.2026

Between:

Abdul Quavi

....Petitioner

1. The State of Telangana, represented by its Principal Secretary, Panchayath Raj and Rural Development Department and others

...Respondents

ORDER:

1. Heard Sri M.A.K. Mukheed, learned Counsel for the petitioner and Sri B.Sravan Kumar, learned Assistant Government Pleader for Services-I appearing for the respondents.

2. The learned Counsel for the petitioner submits that the petitioner was appointed as Assistant Engineer and joined Duty on 14.12.1979. While the petitioner was working as Assistant Engineer, MPP, Kesamudram he was deputed to work in the Office of the Executive



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Engineer, PR Kothagudem of Khammam District from 07.10.1988 to 19.03.1989 and reported back to the duty at the MPDO, MPP Kesamudram on 20.03.1989, but the said MPDO refused to admit him to duty. In view of non giving of posting orders he reported before the respondent No.4, where he waited for posting order from 20.03.1989 to 15.04.1989, but he was not given the posting orders, therefore he was forced to proceed on leave from 16.04.1989 to 29.11.1999 by sending more than 40 leave applications extending leaves from time to time due to personal reasons through registered post and Under Certificate of Posting. The petitioner reported to duty before the respondent No.2/Engineer-in-Chief on 29.11.1999 and he was permitted to join duty on 07.06.2003 in pursuance to the Orders issued by the respondent No.1 vide GO Rt.No.833, PR & RD, Department dated 03.06.2003. The respondent No.2 issued Articles of Charges vide Memo No.Dv/2/23117/99 dated 14.04.2003 alleging that the



petitioner was absent from duty from 07.10.1988 onwards without prior sanction of leave or permission from the superiors. The said allegation is contrary to sub-Rule 3 and 4 of Rule 20 of APCS (CCA) Rules, as the petitioner has sent letters to the respondents through registered post and under certificate of posting seeking for extension of leave from time to time.

3. The learned Counsel for the petitioner further submits that the respondent authorities have concluded the disciplinary proceedings vide impugned Proc.No.Vig.II (5)/23063/2003 dated 30.01.2012 awarding major punishment of removal from service without examining the facts, evidence available on record and the Articles of Charge Memo dated 14.04.2023 was issued not in accordance with Sub-Rules 3 and 4 of Rule 20 of APCS (CCA) Rules, 1991. The impugned order dated 30.01.2012 imposing major punishment of removal from



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service retrospectively w.e.f 07.10.1988 is arbitrary and contrary to the law.

4. The learned Counsel for the petitioner further submits that while imposing major punishment of removal of service, the respondent No.2 failed to examine and consider that the petitioner was permitted to join duty w.e.f. 06.07.2003 pursuant to the orders issued by the respondent No.1 vide G.O.Rt.No.833, PR & RD Department, dated 03.06.2003 and worked as such till the date of passing the impunged orders dated 03.01.2012 and the services of the petitioner were regularized and declared his probation subsequent to initiation of disciplinary proceedings and therefore the impunged order passed by the respondent No.2 is liable to be set aside.

5. The learned Counsel for the petitioner further submits that aggrieved by the impugned orders dated 30.01.2012 the petitioner approached to the respondent



No.1 by filing appeal on 13.02.2012, but the said appeal was dismissed mechanically, without considering the grounds raised by the petitioner on 30.10.2012 and the said action of the respondent No.1 is arbitrary, illegal and contrary to the evidence on record and gross violation of Rule 20 of APCS (CCA) Rules and requested to allow the writ petition by setting aside the impugned order passed by the respondent No.2 dated 30.01.2012 and the consequential order passed by the respondent No.1, dated 30.10.2012.

6. The learned Counsel for the petitioner alternatively submitted that the respondents can consider the case of the petitioner for payment of compassionate allowance as per Rule-40 of the Telangana Revised Pension Rules, 1980 on making the application to the respondent authorities and requested to direct the respondents to consider the case of the petitioner for payment of compassionate allowance as per the Judgment of this Court in a similar

matter in this Court in ***The State of Telangana, rep. by its Principal Secretary, Environmental Forest Science and Technology) Vs. Smt. Y.Pushpalatha***¹.

7. The learned Assistant Government Pleader for Services-I basing on the counter filed by the respondents submits that while the petitioner was working at M.P.Kesamudram, he was deputed to P.S.Yellandu of Khammam District (which was his previous station) for settlement of advances and he was relived on 07.10.1988 and instructed to report before the MPDO, Yellandu, but the MPDO, Yellandu informed the Superintending Engineer (PR), Warangal that no advances were pending against him, but the petitioner did not return back to join the duty at MPDO, Kesamudram, and thereby the petitioner remained absent from 07.10.1988 and after gap of eleven (11) years, the petitioner has submitted his joining report in the office of the respondent No.2 on

¹ Unreported Judgment dated 01.10.2024
In WA No.1151 of 2024 (DB), High Court
For the State of Telangana



29.11.1999. After submitting joining report the Government issued Memo No.28506/Estt.II (1) 2002-4, dated 21.01.2003 to take necessary action against the petitioner for his unauthorized absence for a period of 11 years. Pursuant to the said Memo, the Articles of charges were framed against the petitioner for his unauthorized absence from 07.10.1988 onwards without prior sanction of leave or permission from superiors officers vide Memo No.DV/2/23117/99 dated 14.04.2003. Pending the said charges, the Government issued G.O.Rt.No.833, PR & RD Department dated 03.06.2003 accorded permission to the respondent No.2/Engineer-in-Chief to admit the petitioner to duty pending disciplinary action in relaxation of the Rules and pursuant to the said G.O., the petitioner was allotted to the Office of Superintending Engineer (RWS), Khammam where he joined duty on 16.07.2003.



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8. The learned Assistant Government Pleader further submits that as per G.O.Ms.No.260, General Administration Department dated 04.09.2003 the unauthorized absence from duty for a continuous period of exceeding one year the penalty of removal from service shall be imposed on the Government Servant duly following the procedure laid down in the APCS Rule, 1991. The petitioner in his explanation has stated that he had proceeded on leave from 07.10.1988 by sending leave applications, but no such applications were received in their office and remained absent for his duty for more than 11 years. After following the procedure the respondent No.2 has issued impunged orders on 30.12.2012 by removing the petitioner from service with retrospective effect from 07.10.1988 and the respondent No.1 has also rightly dismissed the appeal filed by the petitioner confirming the orders and there are no merits and requested to dismiss the writ petition.



9. After hearing both sides and on perusing the record, this Court is of the considered view that the contention of the petitioner is that while he was working as Assistant Engineer at MPP, Kesamudram, he was deputed to work at MPP, Yellandu of Khammam District from 07.10.1988 to 19.03.1989 and reported back on 20.03.1989, but the MPDO, Kesamudram refused to admit the petitioner though he waited for posting orders 20.03.1989 to 15.04.1989 and no posting orders were issued, as such the petitioner was forced to proceed on leave from 16.04.1989 to 29.11.1999, on which the date the petitioner reported duty before the Respondent No.2.

10. The contention of the petitioner is that he has sent leave applications to the respondents through registered post and under certificate of posting from time to time and the same was mentioned in the report submitted by the respondent No.3 that after his unauthorized absence from 07.10.1988 onwards, the petitioner has sent leave



applications on 06.04.1996, 08.07.1996, 30.09.1996, 30.10.1996, 13.01.1997 and 09.05.1998. The enquiry report dated 17.05.2011 submitted by the respondent No.3 clearly shows that during the period of his absence, the petitioner sent applications for extension of leaves to the respondents. However, the petitioner nowhere mentioned that the leave applications sent by him were accepted by the competent authority or not. In view of the same, the contention of the petitioner that the competent authority permitted him to continue on leave from time to time cannot be acceptable.

11. Moreover, the leave cannot be claimed as a matter of Right and the authorities reserve the discretion to refuse or revoke leave based on public service exigencies and while they may alter or cancel leave as per Rule-67 of the Telangana Fundamental Rules, 1922. In the instant case, the petitioner has not filed any document to show that the competent authorities have



granted leave to him. The petitioner remained absent duty from 07.10.1988 onwards without prior sanction of leave or permission. However, the respondent authorities have not taken any action against the petitioner till he submitted joining report to the respondent No.2 on 29.11.1999, but they have initiated disciplinary proceedings vide Memo No.DV/2/23117/99 dated 14.04.2003 and permitted him to join duty on 16.07.2003, thereafter the respondents have concluded the proceedings and issued impunged removal order with retrospective effect on 30.01.2012.

12. It clearly shows that there was delay on the part of the respondents for initiation of disciplinary proceedings from 07.10.1988 to 14.04.2003 and nearly after nine years in concluding the disciplinary proceedings against the petitioner and passed impunged orders by the respondent No.2 on 30.01.2012 by removing the petitioner from service with retrospective effect from



07.10.1988 without taking into account of the service of the petitioner who joined duty on 16.07.2003 till the date of passing of the impunged orders. It is settled law that the imposing of major punishment of removal of service cannot be made retrospectively. Therefore, the impunged order dated 30.01.2012 passed by the respondent No.2 removing the petitioner from service with retrospective effect needs to be modified as 'prospective effect'.

13. The Hon'ble Court in ***State Bank of Patiala Vs. Ram Niwas Bansal (dead) through Legal Representatives***² in a similar matter held as under:

"41. In the case on hand, the disciplinary proceedings was initiated against the delinquent officer while he was in service. The first order of dismissal was passed on 23.04.1985. The said order of punishment was set aside by the High Court and the officer concerned was directed to be reinstated for the limited purpose i.e. supply of enquiry report and to proceed in the disciplinary proceeding from that stage. The said order was not interfered with by this Court. The

² (2014) 12 SCC 106



Bank continued the proceeding. Needless to emphasize, the said continuance was in pursuance of the order of the Court. Under these circumstances, it has to be accepted that the concept of deemed continuance in service of the officer would have full play and, therefore, an order of removal could have been passed after finalization of the departmental proceedings on 22.11.2001. We have already held that the said order would not have been made retrospectively operative, but that will not invalidate the order of dismissal but it would only have prospective effect as been held in R.Jeevaratnam Vs. State of Madras (AIR 1966 SC 951)"

(Emphasis added).

14. The above finding of the Hon'ble Supreme Court squarely apply to the facts of the instant case. The respondents have permitted the petitioner to join duty on 06.07.2003 and passed impugned order on 30.01.2012 and it clearly shows that without any punishment the petitioner was continued in service up to 30.01.2012 and the impugned order of removal from service was passed retrospectively from 07.10.1988. The same is liable to be modified as prospective in nature.



15. In view of the above, this writ petition is partly allowed and the impugned order vide Proc.No.Vig.II (5)/23063/2003 dated 30.01.2012, dated 30.01.2012 passed by the respondent No.2 in removing the petitioner from service is modified as 'prospective effect' instead of 'retrospective effect' and the respondents are directed to take steps for release of eligible benefits to the petitioner for the services rendered by him, if any. Further, if the petitioner makes application for payment of compassionate allowance, the respondents are directed to consider the same and pass appropriate orders thereon as per Rule-40 of Telangana Revised Pension Rules, 1980 and communicate the same to the petitioner.

Miscellaneous applications pending, if any, in this Writ Petition, shall stand closed. No order as to costs.

//TRUE COPY//

SD/- M. NAGAMANI
ASSISTANT REGISTRAR

SECTION OFFICER

One Fair Copy to the Hon'ble Sri Justice K.SARATH
(For His Lordships Kind Perusal)

To

1. 11 LR Copies.
2. The Under Secretary, Union of India Ministry of Law, Justice and Company Affairs, New Delhi.



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3. The Secretary, Telangana Advocates Association Library, High Court Buildings, Hyderabad.
4. The Principal Secretary, Panchayat Raj and R.D. Development, Secretariat, Hyderabad, Government of Telangana -500 022.
5. The Engineer -In-Chief, Panchayat Raj Dept., Telangana State, Erramanzil, Hyderabad 500001
6. The Superintending Engineer, Panchayat Raj, Warangal, Warangal District 506001
7. The Executive Engineer, Panchayat Raj, Mahaboobabad, Warangal District 506001
8. One CC to SRI M.A.K.MUKHEED, Advocate [OPUC]
9. Two CCs to GP FOR SERVICES-I, High Court for the State of Telangana, at Hyderabad. [OUT]
10. Two CD Copies

PSK.

GJP



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HIGH COURT

DATED:18/02/2026

ORDER

WP(TR).No.139 of 2017



PARTLY ALLOWING THE WRIT PETITION (TR)
WITHOUT COSTS

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1/4/26