



2025:TSHC:29164

[3301]

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

WEDNESDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 24592 OF 2025

Between:

Rathod Shesha Rao, S/o. Fakir Chand, Age 60 years, Occ- HWO Grade- II,
Scheduled Tribe Girls Hostel, Khanapur, Adilabad District. (Emp
ID.No.1345969)

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Tribal Welfare Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Tribal Welfare Department, State of Telangana, Hyderabad.
3. The Project Officer, ITDA, Utanoor., Adilabad District

...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 impugned proceedings of the 3rd respondent vide Proc.Rc.No.A2/926/2025 dt. 18-01-2025 placing the petitioner under suspension on the ground that he is misused the GCC payment dues by diverting to his personal account Rs. 14.39,000/- for 2022-23 to 2023-24 which is false since amount was already remitted to the concerned authorities through challans is clearly illegal and unjust and not reviewing the suspension order as per the rules issued in G.O.Ms.No.86 GAD dt.08-03-1994 and even not paying subsistence allowance from March to till date is clearly illegal, discriminatory and unjust and set a aside the same consequently declare he is entitlement for reinstatement as



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Hostel Welfare Officer, Grade - II by paying the subsistence allowance as per the fundamental rules, by reviewing suspension order As per the GO and rules

IA 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 suspend the impugned Proc. Rc.No.A2/926/2024 dt.18-01-2024 issued by the 3rd respondent by directing the respondents to reinstate the petitioner into service pending disposal of the above W.P.,

Counsel for the Petitioner: SRI M. RAMGOPAL RAO

Counsel for the Respondents: GP FOR SERVICES III

The Court made the following: ORDER



THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.24592 OF 2025

ORDER:

With the consent of both the parties, this Writ Petition is being taken up for disposal at the admission stage itself.

2. This Writ Petition is filed under Article 226 of Constitution of India, seeking the following relief:

"...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus impugned proceedings of the 3rd respondent vide Proc.Rc.No.A2/926/2025 dt. 18-01-2025 placing the petitioner under suspension on the ground that he is misused the GCC payment dues by diverting to his personal account Rs.14,39,000/- for 2022-23 to 2023-24 which is false since amount was already remitted to the concerned authorities through challans is clearly illegal and unjust and not reviewing the suspension order as per the rules issued in G.O.Ms.No.86 GAD dt.08-03-1994 and even not paying subsistence allowance from March to till date is clearly illegal, discriminatory and unjust and set aside the same consequently declare he is entitlement for reinstatement as Hostel Welfare Officer, Grade - II by paying the subsistence allowance as per the fundamental rules, by reviewing suspension order as per the GO and rules..."

3. Heard Sri M.Ram Gopal Rao, learned counsel for the petitioner and learned Government Pleader for Services-III appearing for the respondents.

4. Learned counsel for the petitioner submits that while the petitioner was working as Hostel Welfare Officer (Grade-II), respondent No.3 issued proceedings dated 18.01.2025 suspending the petitioner from service on the allegation that he misused GCC payment dues by diverting them to his personal account. It is further submitted that the Hon'ble Apex Court in **Ajay Kumar**



Choudhary v. Union of India¹, has categorically held that a suspension order should not be extended beyond three months if, within this period, the memorandum of charges/charge sheet is not served on the delinquent officer/employee and as per G.O.Ms.No.86 General Administration (Services.C) Department, dated 08.03.1994, the respondents are bound to review the suspension order of the petitioner at the end of every six months. However, neither the memorandum of charges has been issued nor the suspension order has been reviewed by the respondents, even after a lapse of seven months. Therefore, learned counsel prays this Court that appropriate orders be passed in the Writ Petition directing the respondents to review the suspension order, dated 18.01.2025, within a reasonable period of time.

5. Learned Government Pleader appearing for the respondents fairly submits that the respondents will review the suspension order, dated 18.01.2025, in accordance with law.

6. Having regard to the submissions made by the learned counsel for the respective parties and as seven months have been lapsed since the issuance of suspension proceedings, dated 18.01.2025, this Court deems it appropriate to direct the respondents to review the suspension order, dated 18.01.2025,

¹ (2015) 7 Supreme Court Case 291



issued to the petitioner, strictly in terms of judgment of Hon'ble Apex Court in **Ajay Kumar Choudhary's** case and in accordance with G.O.Ms.No.86, dated 08.03.1994, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Tribal Welfare Department, Secretariat Buildings, The State of Telangana, Hyderabad.
2. The Commissioner of Tribal Welfare Department, State of Telangana, Hyderabad.
3. The Project Officer, ITDA, Uttnoor., Adilabad District
4. One CC to Sri M. Ramgopal Rao, Advocate [OPUC]
5. Two CCs to GP for Services III, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

T J
GJP





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HIGH COURT

DATED:20/08/2025

ORDER

WP.No.24592 of 2025



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

⑨mt
29/8/25