



2026:TSHC:18554
[3304]

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

**TUESDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WRIT PETITION NO: 13417 OF 2003

Between:

P.K.Paulose, S/o. P.S.Kuriakose, Aged 53 years, R/o. Rajivgandhi Nagar,
Keshvgiri Post, Hyderabad.

...PETITIONER

AND

1. Union of India through Director General Of Police, C.R.P.F.C.G.O.Complex,
Lodhi Road, New Delhi.
2. Inspector General Of Police, W/S. C.R.P.F. Western Sector, Bellapur, Navi,
Mumbai.
3. Commadant 45, Batalian, C.R.P.F. Mangakai, Assam.

...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 certiorari calling for the connected records pertaining to the impugned order No.III-1/2002-EC-II, dt. 9.7.2002 issued by the 3rd respondent and quash the same.

I.A. NO: 1 OF 2003(WPMP. NO: 16665 OF 2003)

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 pay the petitioner benefits along with the D.A.arrears forthwith to the petitioner pending the above Writ Petition.



2026:TSHC:18554

Counsel for the Petitioner: SMT. A.CHAYA DEVI
Counsel for the Respondents: SRI K.L.N.RAGHAVENDRA REDDY,
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 NAMAVARAPU RAJESHWAR RAO

DATE: 10.03.2026

WRIT PETITION No.13417 OF 2003

Between:

P.K.Paulose

...Petitioner

AND

Union of India through
Director General of Police,
C.R.P.F.C.G.O. Complex,
Lodhi Road, New Delhi and two others.

...Respondents

ORDER

This Writ Petition is filed challenging the Office Order No.P.III-I/2002-EC-II, dated 01.07.2002 and proceedings No.P.III.01/03-04-EC-II/45, dated 14.05.2003, issued by the respondents respectively.

2. Brief facts of the case are as follows :-

(a) The petitioner has joined as a Constable in the respondent organization. While so, a departmental enquiry



was ordered against the petitioner during his stay at the Group Centre, C.R.P.F., Nagpur, on the allegation of non-accounting for certain items of gas agency for the period 1992-1994. In the meantime, the petitioner was transferred from Group Centre, C.R.P.F., Nagpur, to the 48 Battalion before the completion of three years of tenure, vide order dated 23.04.1994. Aggrieved by the said transfer, the petitioner made a representation before the D.I.G.P., Nagpur but it was not considered. On the other hand, a vacation notice was served on the petitioner to vacate the family quarters; otherwise, market rent would be recovered. Challenging the action of the respondents, the petitioner filed W.P.No.1263 of 1994, and the Bombay Bench at Nagpur, while issuing notice before admission, granted a status-quo order on 30.04.1994.

(b) After passing the said status-quo order, the Additional Deputy Inspector General, Nagpur, relieved the petitioner on 02.05.1994 to the 48 Battalion. Aggrieved thereby, the petitioner filed a Contempt Case on 18.05.1994. As the petitioner was ready to join at 48 Battalion with effect from 02.05.1995, pursuant to the transfer order dated



23.04.1994, and he intends to retain the quarter till 31.05.1995, the Bombay Bench at Nagpur, directed the respondents not to implement the transfer order till 02.05.1995 and directed the petitioner to retain quarters till 31.05.1995 and accordingly while disposing of the said writ petition closed the Contempt Case.

(c) After filing the Contempt Case, the Additional Deputy Inspector General lodged F.I.R. against the petitioner on 27.05.1994 on the allegation of non-accounting of certain items of gas agency for the period 1992-1994.

(d) On 20.07.1994, a criminal case was lodged against the petitioner, and a charge-sheet was issued on 04.03.1995 for conducting a departmental enquiry for the same offence. In the departmental enquiry, the respondents have imposed the punishment of stoppage of one increment for a period of one year without cumulative effect vide proceedings dated 03.03.1997. In 1997, the petitioner applied for voluntary retirement.

(e) While so, the 3rd respondent issued an order dated 01.07.2002 stating that the petitioner had already completed 30 years of service by 01.07.2002 and he shall



prematurely retire from service on the forenoon of 01.10.2002. Upon receipt of the said order, the petitioner made a representation to the 1st respondent on 10.07.2002, followed by another representation dated 10.10.2002 against the premature retirement which was rejected on 14.05.2003. Aggrieved thereby, the petitioner filed the present writ petition.

3. The respondents filed a counter affidavit stating as follows :-

(a) In accordance with the Government of India, Ministry of Home Affairs, Office Memorandum No.25013/14/77 Estt.(A), dated 05.01.1978, read with FR 56(j) and Rule 43(c) of CRPF Rules, 1955, administrative review cases of Non-Gazetted Officers (NGOs) of Western Sector, CRPF, including the petitioner, who had completed or were completing 25 years of service or attained 50 years of age for the quarter April to June 2002, were forwarded to the Inspector General of Police, Western Sector, CRPF, Mumbai.

(b) The Administrative Review Committee (ARC), after careful examination of the petitioner's service records,



Annual Confidential Reports (ACRs), and recommendations of the unit Commandants, opined that the petitioner was not fit to be retained in service until attaining the age of superannuation and recorded the following findings:

"No.710607539 HC PK. Paulose of 45 Bn (Sl.No.5) was given an adverse remark in his Confidential Report for the year 1993 that his integrity is doubtful. However, these remarks have been nullified in the next year confidential report for the year 1994 and it has been remarked that his conduct was found excellent by the same reviewing officer who originally, made the adverse remarks. Therefore, his nullifying his own remarks does not stand the test of credibility, as further it is seen from subsequent reports that the individual was punished with stoppage of increment for one year without cumulative effect after a departmental enquiry for his proven case of defalcation and misappropriation charges. This substantiates the original adverse remarks of doubtful integrity. This punishment was in the year 1997 but in all his subsequent confidential reports from the year 1997 to 2001 the said individual has been graded very good. Board is of the opinion that these remarks lack credibility in view of his punishment in Departmental Enquiry. Therefore, in view of his proven lack of integrity, the board recommends



that he should be weeded out from service with premature retirement."

(c) The petitioner had received adverse remarks in his confidential report for the year 1993 regarding doubtful integrity, which were later nullified in 1994. However, following a departmental enquiry, the petitioner was punished in 1997 with the stoppage of one increment for one year without cumulative effect, for proven defalcation and misappropriation of funds. Based on the said findings, the Board recommended that the petitioner be prematurely retired. Accordingly, under the provisions of Rule 56(j) of Fundamental Rules and Rule 48(1)(b) of CCS (Pension) Rules, 1972, the petitioner was given three months' notice for retirement with effect from 01.10.2002, *vide* Office Order No.P.III-1/2002-EC.II, dated 01.07.2002.

(d) The petitioner's representations dated 10.07.2002 and 12.10.2002, against the premature retirement, were duly considered by an Administrative Review Committee in its meetings held on 17.03.2003 and 31.03.2003 and the same were rejected on 14.05.2003.



4. The petitioner filed a reply affidavit stating as follows :-

(a) The Administrative Review Committee has taken the alleged adverse remarks mentioned in the ACR of the year 1993 and ignored other ACRs, particularly the ACR of 1994, on the ground that the same officer made the adverse remarks. The Administrative Review Committee also failed to consider all the petitioner's ACRs. The entire proceedings are conducted ex parte and in violation of the principles of natural justice.

(b) The gas agency accounts for the entire period were audited by a Special Board of Officers as well as the Chartered Accountant and no major irregularities were noticed except some minor observations, for which the compliance reports were submitted to the Head of Office and all the observations were dropped.

(c) The Board of Officers, in its findings, appears to have ignored the responsibility of the gas agency Manager as well as the Chairman, and the respondent authorities have decided to punish the petitioner on account of filing the writ petition in the Nagpur Bench, followed by a Contempt Case.



(d) During 31 years of service, the petitioner was awarded many cash rewards and commendation entries. The respondent authorities lodged a criminal complaint, i.e., C.C.No.183 of 2002, against the same charges for which a departmental enquiry was conducted. After a full-fledged trial, the criminal court acquitted the petitioner vide judgment dated 26.07.2011. For the same charges in the departmental enquiry, the respondents awarded the punishment of stoppage of one increment without cumulative effect.

(e) The Administrative Review Committee has taken into consideration the alleged remarks mentioned in 1993 ACR, and the punishment was awarded in the year 1997 and ordered for premature retirement without considering the other ACRs of subsequent years and other rewards awarded to the petitioner.

5. Learned counsel appearing for the petitioner submits that the 3rd respondent passed the order dated 01.07.2002 based on the order dated 05.06.2002 passed by the 2nd respondent. Without considering the representation submitted by the petitioner seeking voluntary retirement, the



3rd respondent issued the order on 01.07.2002, making his premature retirement with effect from 01.10.2002. Upon receipt of the said order, the petitioner made representations on 10.07.2002 and 10.10.2002 against the premature retirement, which were rejected by the Administrative Review Committee on 14.05.2003.

6. Learned counsel appearing for the petitioner further submits that the order dated 01.07.2002 passed by the 3rd respondent is illegal and without jurisdiction. The respondents have already awarded the punishment at the departmental enquiry, i.e., stoppage of one increment and the action of the respondents in passing the impugned is nothing but double jeopardy. The petitioner would lose four years of service by virtue of the impugned orders.

7. Learned counsel appearing for the petitioner further submits that without considering the application made by the petitioner for voluntary retirement, passing the impugned order is illegal and a violation of the principles of natural justice. Therefore, appropriate orders be passed in the writ petition by setting aside the impugned orders and



allowing the writ petition by directing the respondents to grant voluntary retirement with all service benefits instead of premature retirement.

8. Learned Standing Counsel appearing for the respondents submits that the decision for premature retirement and the rejection of representations are legal, valid, and fully supported by records, in compliance with statutory rules under FR 56(1) and CCS (Pension) Rules. Earlier disciplinary proceedings, FIRs, Contempt Case, etc., are irrelevant for the present Writ Petition, as the punishment orders are not the subject matter of challenge.

9. Learned Standing Counsel appearing for the respondents further submits that the case of the petitioner, along with the related service records, was duly considered by the Administrative Review Committee in its meeting on 04.06.2002. Since the Board had already recommended premature retirement in June 2002, which was communicated to the petitioner on 01.07.2002, his request for voluntary retirement at that juncture is not tenable and does not deserve consideration.



10. Learned Standing Counsel appearing for the respondents further submits that the petitioner's service records for settlement of pensionary benefits were received by the Group Centre Office, CRPF, Nagpur on 11.07.2003, and a sum of Rs.1,49,898/- towards GPF was already paid to the petitioner. Therefore, the impugned proceedings are legal, valid and in conformity with the rules. Hence, the writ petition is devoid of merit and is liable to be dismissed.

11. Heard Smt.A. Chaya Devi, learned counsel for the petitioner, and Sri K.L.N. Raghavendra Reddy, learned Standing Counsel for Central Government, appearing on behalf of the respondents. Perused the material on record.

12. A perusal of the record shows that, due to the non-accounting of certain items pertaining to the gas agency for the period from 1992 to 1994, a criminal case was registered against the petitioner on 20.07.1994, and he was acquitted on 26.07.2011. For the very same charges in the departmental enquiry, the respondents imposed the punishment of stoppage of one increment for a period of one year without cumulative effect. Based on the said



punishment, the Board recommended that the petitioner be prematurely retired.

13. However, the fact remains that, despite being fully aware of the initiation of criminal proceedings against him in respect of the said irregularities, the petitioner submitted an application in the year 1997 seeking voluntary retirement. The petitioner, having assessed his own strengths and weaknesses, applied for voluntary retirement. After his acquittal in the criminal case, the petitioner now seeks to continue in service until attaining the age of superannuation.

14. In the instant case, the petitioner made several representations against the premature retirement and raised various issues with regard to the consideration of his service till superannuation. However, the respondent authorities, without advertence to any of the issues raised, simply rejected his claim regarding VRS on 14.05.2003. In the interregnum between the petitioner's consent for VRS and the order of premature retirement, the petitioner was to forgo four years of service by virtue of such premature retirement.



15. Learned Standing Counsel appearing for the respondents submits that, in accordance with the Government of India, Ministry of Home Affairs, Office Memorandum No. 25013/14/77-Estt.(A), dated 05.01.1978, read with FR 56(j) and Rule 43(c) of the CRPF Rules, 1955, the administrative review cases of Non-Gazetted Officers (NGOs) of the Western Sector, CRPF, including that of the petitioner, who had completed or were completing 25 years of service or had attained the age of 50 years during the quarter April to June 2002, were forwarded to the Inspector General of Police, Western Sector, CRPF, Mumbai.

16. The Administrative Review Committee (ARC), after careful examination of the petitioner's service records, Annual Confidential Reports (ACRs), and keeping in view the recommendations of the concerned unit Commandant and various rules/instructions on the subject, opined that the petitioner was not fit to be retained in service until attaining the age of superannuation in the normal course

17. Admittedly, in the confidential report for the year 1993, the respondents stated that the petitioner's integrity was



doubtful. However, the said remarks were nullified in the following year, i.e., 1994, and it was recorded that the petitioner's conduct was found to be excellent by the same reviewing officer who had originally made the adverse remarks against the petitioner. The respondents imposed a punishment of stoppage of a one year increment without cumulative effect, for the proven charges of defalcation and misappropriation.

18. The fact remains that all the charges framed against the petitioner have not been fully proved. With regard to the petitioner's ACRs, the reviewing officer submitted a confidential report in the year 1993 stating that the petitioner's integrity was doubtful. However, in the year 1994, the same reviewing officer, who had originally made the adverse remarks against the petitioner, stated that the petitioner's conduct was excellent. Therefore, it is evident that the same reviewing officer has given two contradictory versions regarding the conduct of the petitioner. Hence, this Court finds fault with the reviewing officer who prepared the petitioner's ACRs.



19. In support of his contentions, learned Standing Counsel appearing for the respondents relied upon Chapter 45 of the Instructions regarding premature retirement of Central Government Servants. Rule 3(a) of the Instructions states that 'the Government employees, whose integrity is doubtful, will be retired'.

20. However, in the present case, two contradictory statements given by the same reviewing officer cannot be considered to prove the integrity of the petitioner. Being a disciplinary force, even a small irregularity can be taken into account and viewed seriously.

21. With regard to premature retirement, learned counsel for the petitioner submitted that the petitioner was enlisted in the CRPF and completed 25 years of service by September, 1996. Administrative review in respect of all personnel who are due for such review is required to be called for through a quarterly report/return well in advance, and the review is to be conducted at the time the government servant/member of the force completes 25 years of service or attains the age of 50 years. However, in the case of the petitioner, such a



review was due during the quarter ending 31.03.1996. But the respondents initiated the same with an abnormal delay of six years, which is contrary to the MHA Office Memorandum dated 05.01.1978 and F.R. 56(j) and Rule 43(c) of the CRPF Rules, 1955.

22. To support his contentions, learned counsel appearing for the petitioner relied upon the following judgments :-

- "1. BRIJ BEHARI LAL AGARWAL Vs. HON'BL HIGH COURT OF MADHYA PRADESH AND OTHERS (1981) 1 SUPREME COURT CASES 490.**
- 2. BRIJ MOHAN SINGH CHOPRA Vs. STATE OF PUNJAB (1987) 2 SCC 188.**
- 3. DEV DUTT Vs. UNION OF INDIA AND OTHERS (2008) 8 SCC 725.**
- 4. SUKHDEV SINGH Vs. UNION OF INDIA AND OTHERS (2013) 9 SCC 566).**
- 5. Y.Lakshmana Rao (2023 Law Suit (TS) 230):".**

23. The above judgments pertain to compulsory retirement, promotion, and submission of ACRs in time. The said judgments are not directly connected to the present case, as the petitioner's case differs from those cases. Moreover, a sum of Rs.1,49,898/- towards the GPF final payment had



already been paid to the petitioner, and the same was accepted by the petitioner without any protest.

24. According to the respondents, as the Department imposed the punishment of stoppage of one increment for one year without cumulative effect for proven defalcation and misappropriation of funds, the decision for premature retirement and the rejection of the petitioner's representation are legal and valid. On the other hand, the petitioner contends that the review was conducted with an abnormal delay of six years, contrary to the Rules, and that the reviewing officer has given two contradictory statements regarding the petitioner's conduct. The alleged remark, mentioned in the ACRs of 1993, was not communicated to the petitioner. The respondents failed to follow the mandatory procedure set out in Standing Order No.56 of 2001.

25. In view of the foregoing discussion, this Court is of the considered view that there are lapses on either side. Therefore, this Court is inclined to modify the premature retirement as voluntary retirement (VRS) and direct the



respondents to pay 25% of the benefits admissible under VRS.

26. Accordingly, the impugned order dated 01.07.2002 is modified, and the respondents are directed to treat the premature retirement as voluntary retirement (VRS) and pay 25% of the eligible benefits to the petitioner in accordance with law.

27. With the above said direction, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

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SD/- A.JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. Director General Of Police, Union of India, C.R.P.F.C.G.O.Complex, Lodhi Road, New Delhi.
2. Inspector General Of Police, W/S. C.R.P.F. Western Sector, Bellapur, Navi, Mumbai.
3. Commadant 45, Batalian, C.R.P.F. Mangakai, Assam.
4. One CC to SMT. A.CHAYA DEVI, Advocate [OPUC]
5. One CC to SRI K.L.N.RAGHAVENDRA REDDY, SC FOR CENTRAL GOVT. [OPUC]
6. Two CD Copies

PSK.

PSK.

(SP)



2026:TSHC:18554

HIGH COURT

DATED: 10/03/2026

**ORDER
WP.No.13417 of 2003**



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

⑧ ④5-
23/05/26