

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

TUESDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

**THE HONOURABLE SRI JUSTICE PULLA KARTHIK
WRIT PETITION NO: 16744 OF 2024**

Between:

K.BHASKAR RAO, S/o. K.Thirumalaiah

Petitioner

AND

1. State Of Telangana, Department of Home, Rep by its Principal Secretary Government of Telangana, T.S. Secretariat, HYDERABAD.
2. The Inquiry Officer/Inspector General of Police, Multi Zone-I, T.S., Hyderabad I/C DIG, Zone-I, Kaleshwaram, Ramagundam.
3. The Dy.Inspector General of Police, Zone-I, Kaleshwaram, Ramagundam, T.S.
4. State of Telangana, Rep. by The Deputy Superintendent of Police, ACB, Adilabad Range, Adilabad, T.S.

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 declaring arbitrary, high handed action of the respondent No.2 in issuing Article of Charges under Memorandum vide No. C.No.C1/20/PR/Zone-I/2021-23, dt. 15.07.2023, without considering the facts and circumstances in its true perspective and proceeding with, while pending Criminal Case in FIR No.03/ACB-ADB/2023 of ACB Adilabad Range, Adilabad dated 14.07.2021, which is pending before the Court of Hon'ble Special Judge for SPE and ACB Cases, Karimnagar, as illegal, arbitrary, unjust, violative of the Principle of Natural Justice and violative of Article 14 and 16, 19(1)(g), 21 of the Constitution of India and contrary to ratio laid down by the Hon ble Supreme Court in Capt. M Paul Anthony Vs. Bharat Gold Mines Ltd. And another reported in (1999) 3 SCC 679 and consequently direct the Respondent No.2 not to proceed with the Departmental Enquiry pursuant to Memorandum of Charge vide No. C.No.C1/20/PR/Zone-I/2021-23, dt. 15.07.2023 till conclusion of Criminal Case in FIR No.03/ACB-ADB/2021, dated 14.07.2021 which is pending before the Court of Hon ble Special Judge for SPE and ACB Cases, Karimnagar;

IA NO: 1 OF 2024

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 of all further proceedings in Departmental Enquiry in respect of the Petitioner pursuant to Memorandum of Charge vide No. C.No.C1/20/PR/Zone-I/2021-23, dt. 15.07.2023 till conclusion of Criminal Case FIR No.03/ACB-ADB/2021, dated 14.07.2021 which is pending before the

Court of Hon'ble Special Judge for SPE and ACB Cases, Karimnagar, Pending disposal of WP 16744 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Dr. M P KASHYAP Advocate for the Petitioner and the GP FOR HOME Advocate for the Respondents and the Court made the following.

ORDER:

Notice before Admission.

Learned Government Pleader for Home takes notice on behalf of the respondents, waives further notice and seeks time to file counter.

Registry is directed not to take out notice to the respondents in view of the above waiver.

In view of the law laid by the Hon'ble Supreme Court in *Capt.M.Paul Anthony v. Bharat Gold Mines Ltd. & another*¹ and having regard to the submissions made by the learned counsel for the petitioner, there shall be interim stay of departmental proceedings pursuant to charge memo issued by respondent No.2 vide C.No.C1/20/PR/Zone-I/2021-23, dated 15.07.2023, till the conclusion of the criminal proceedings against the petitioner in FIR No.03/ACB-ADB/2021, dated 14.07.2021 pending on the file of the learned Special Judge for SPE & ACB Cases, Karimnagar.

Post on 10.09.2024 for counter.

SD/- P.GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Department of Home, Government of Telangana, T.S. State Of Telangana, Secretariat, HYDERABAD.
2. The Inquiry Officer/Inspector General of Police, Multi Zone-I, T.S., Hyderabad I/C DIG, Zone-I, Kaleshwaram, Ramagundam.
3. The Dy.Inspector General of Police, Zone-I, Kaleshwaram, Ramagundam, T.S.
4. The Deputy Superintendent of Police, ACB, Adilabad Range, Adilabad, State of Telangana, T.S.

¹ AIR 1999 Supreme Court 1416

5. One CC to SRI. M P KASHYAP Advocate [OPUC]
6. Two CCs to GP FOR HOME ,High Court at Hyderabad. [OUT]
7. One spare copy

HIGH COURT

PK, J

DATED:30/07/2024

POST ON 10.09.2024

ORDER

WP.No.16744 of 2024

INTERIM STAY

