

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

LETTER PATENT APPEAL NO: 12 OF 2025

Appeal under Clause 15 of Letters Patent Appeal aggrieved by the order dated 05-08-2025 in C.C.No.2078 of 2023 on the file of the High Court.

Between:

1. Sri Sandeep Kumar Sultania IAS, Principal Secretary, Age: 58 years, Panchayat Raj and Rural Department, Secretariat Hyderabad TS.
2. Sri M.Hanumantha Rao IAS, Commissioner, Age 54 years, Panchayat Raj and Rural Development, Himayat Nagar, Hyderabad.
3. Sri T.Pavan Kumar, Age 48 years, Chief Executive Officer, Zilla Parishad, Karimnagar.
4. D.S.Lokesh Kumar IAS, Age 51 years, Principal Secretary, Panchayat Raj and Rural Development Secretariat, Hyderabad.
5. Dr.G.Srijana IAS, Commissioner, Age: 42 years, Panchayat Raj and Rural Development, Himayatnagar, Hyderabad.

...Appellants/Respondents

AND

N.Haripriya, D/o N. Pratap Reddy, Aged about 33 years, Occ: M.P.D.O. R/o H.No.18-66/4, Haripriya Nagar Colony, New Bus Stand Back side, Siddipet, Siddipet district.

...Respondent/Petitioner

IA NO: 1 OF 2025

Petition under Section 5 of Limitation Act praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of (10) days in filing the Appeal pending disposal of the appeal in the interest of justice.

IA NO: 2 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 order dated 05-08-2025 passed in C.C.No.2078 of 2023 in W.P.No. 17983 of 2023 pending disposal of the Appeal in the interest of justice.



Counsel for the Appellants: Mr. M. Shalini, GP FOR SERVICES-III

Counsel for the Respondent: -

The Court delivered the following: JUDGMENT

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE
SUDDALA CHALAPATHI RAO**

L.P.A No.12 OF 2025

JUDGMENT *(per Hon'ble Sri Justice P.Sam Koshy)*

The matter was taken up for admission after it was registered as Letters Patent Appeal.

2. Heard Mr. M.Shalini, learned Government Pleader for Services III for the appellant. Perused the record.
3. The instant appeal has been filed against the order passed by the learned Single Bench in C.C.No.2078 of 2023 dated 05.08.2025.
4. *Vide* the impugned order, the learned Single Bench in the contempt case in its operative paragraph has held as under:

“ Having regard to the rival contentions and the material on record, this Court finds that vide interim orders dated 04.08.2023, this Court had only directed to pay the salary as per her entitlement as there is no severance of service of the petitioner. Admittedly, the petitioner was under unauthorized absence till 06.06.2022, when she submitted her joining report, thereafter it was the

duty of the respondents to extract work from her by giving posting orders and instead, they have initiated disciplinary proceedings and during the pendency of the disciplinary proceedings she was entitled to subsistence allowance, but the respondents have failed to make the payment. Therefore, the respondents are directed to make the payment of subsistence allowances to the petitioner within a period of one (1) month from the date of receipt of a copy of this order and if the same is not complied with, the respondents would be liable for Contempt Proceedings and this Court deems it fit and proper to grant liberty to the petitioner to challenge the proceedings denying salaries to the petitioner".

5. The contempt petition arose out of a pending writ petition i.e., W.P.No.17983 of 2023, wherein interim order was passed on 04.08.2023. The interim order so passed by the learned Single Bench is again reproduced here under:

"However, in the meantime, since there is no severance of service of the petitioner, the respondents are directed to pay the salary to the petitioner as per her entitlement. The payment shall be made within a period of four (04) weeks from the date of receipt of this order."

6. The writ petitioner before the writ Court i.e., Ms. N. Haripriya got appointed as a Mandal Parishad Development Officer (MPDO) on 09/10.01.2018. It is said that after having worked for some time from 05.07.2019 onwards, the writ petitioner went on unauthorized absence after having initially obtained sanction for leave on 05.07.2019 and 06.07.2019 and she remained absent from duty continuously till 06.06.2022.

7. Meanwhile, for the unauthorized absence, the Department thought it fit for initiating disciplinary proceedings and for which a charge memo was also issued on 08.03.2022. After the charge memo was issued, the writ petitioner reported for duty on 06.06.2022. However, the appellant/Department did not extract any work from the writ petitioner in the light of the pending disciplinary proceedings. Since even after reporting for duty, the appellant/Department was not extracting work from the writ petitioner nor was she being paid the salary.

8. The writ petition i.e., W.P.No.17983 of 2023 was filed seeking for an appropriate direction to the respondents to accept the joining and to grant salary. It was in the said writ petition that an

interim order was also sought for before the learned Single Bench for an interim direction directing the State to release the salary. It was in this context that the interim prayer of the writ petitioner was allowed, which is already reproduced in the earlier paragraph.

9. The said order was not complied with and which led to filing of the contempt case i.e., C.C.No.2078 of 2023. The respondents were noticed and called upon to explain as to why contempt should not be drawn and after hearing the parties, the Hon'ble Single Bench has disposed of the contempt proceedings with the direction that has been already reproduced in the initial paragraph of this order.

10. From the factual matrix that is culled out, undisputedly the writ petitioner was on the rolls of the Department as an MPDO. She had obtained sanction for leave for two days i.e., 05.07.2019 and 06.07.2019. However, she did not report back for duty and is said to have remained under continuous unauthorized absence. Meanwhile, the disciplinary proceedings were issued by issuance of charge memo on 08.03.2022. Immediately on receipt of the charge memo, the writ petitioner gave her joining on 06.06.2022,

from which time the respondents were not giving any duty to the petitioner nor were they treating her as an employee on the rolls of the Department.

11. It goes without saying that so far as an employee is concerned, the fact that the employer has initiated disciplinary proceedings itself is sufficient to establish that the employee was on the rolls of the employer. No disciplinary proceedings can be initiated against an already discharged or removed employee. In the said context, the next question that needs to be appreciated is, if the employee is considered to be on the rolls and is facing the disciplinary proceedings, what would be the status of the employee and the status could be only to either the employee facing the disciplinary proceedings has to be treated as under suspension for which an order has to be passed under Rule 10 of the Service Rules, but if not the employee for all practical purposes would be treated as on duty. There cannot be a third option available pending the disciplinary proceedings in respect of the status of an employee. It was this fact which was taken note of by the learned Single Bench when it was observed in the course of passing of the

interim order that there is no severance of service of the writ petitioner and it was in this backdrop that the learned Single Bench ordered for at least paying the subsistence allowance to the employee with which she may sustain, pending the writ petition and also pending the disciplinary proceedings. In the opinion of this Bench, the said observation of the learned Single Bench metes the ends of justice and also stands ratified by the decision of the Hon'ble Supreme Court in the case of **CAIT. M. PAUL ANTHONY vs BHARAT GOLD MINES LTD., AND ANOTHER¹** wherein it was held by the Hon'ble Supreme Court that no employee pending the disciplinary proceedings can be deprived of the payment of subsistence allowance.

12. In the instant case, from the contentions made by the State Counsel, the services of the petitioner were never placed under suspension, pending the disciplinary proceedings and there is also no dispute so far as the petitioner having reported for duty after the issuance of the charge memo and that she had reported back to

¹ AIR 1999 SC 1416

service on 06.06.2022. The Department could have immediately either placed her under suspension pending the disciplinary proceedings or could have given her a joining and extracted work and paid salary. The Department took neither of the options available and continued with the disciplinary proceedings. Surprisingly, even after the interim order was passed, the Department still did not think it proper to comply with the order, rather the authorities of the State Government subjected the interim order to its own scrutiny and took a stand on 12.10.2023 not to comply with the order and rejected the claim of the writ petitioner. This action on the part of the authorities of the State Government definitely is not appreciable. Though the said fact is not a point for consideration before this Bench at this juncture in this appeal, the order passed in the contempt case is dated 05.08.2025 and the order was to be complied forthwith, which again till date has not been complied with though more than two and half months have been passed has not been honoured and the instant LPA has now been filed questioning the order of compliance made in the contempt case.



13. The writ petition as it is, is pending consideration. The State ought to have taken all necessary steps in either challenging the interim order or seeking modification of the interim order or seeking review of the interim order. None of these options have been resorted to by the State. In the said circumstances, if the contempt Court taking into consideration the factual matrix of the case has disposed of the contempt case with only a direction to ensure compliance, we do not find any good ground made by the State forcing us to hold that the order passed by the contempt Court to be either erroneous or contrary to law. We are further of the view that under Rule 27 of the Contempt Rules, the Court has the power to pass such appropriate orders for doing substantial justice. In the instant case also, it is only an endeavour made by the Court to ensure that its earlier interim order passed in the writ petition is honoured. For this reason also, we do not intend to interfere with the impugned order.

14. Thus, the Letters Patent Appeal fails and is, accordingly, dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

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SD/- A.V.S.S.C.S.M. SARMA
JOINT REGISTRAR
SECTION OFFICER

To,

1. Two CCs to GP FOR SERVICES-III, High Court for the State of Telangana at Hyderabad. [OUT]
2. Two CD Copies

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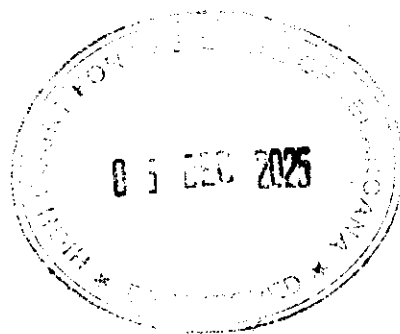
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HIGH COURT

DATED:30/10/2025

JUDGMENT

LPA.No.12 of 2025



DISMISSING THE LPA

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28/11/25