IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 35400 OF 2021

Between:

Sri K.Sudharshan, S/o. Krishnama Chary, aged about 51 years, Senior Assistant, O/o. District Transport Office, Bhoongir, Yadadri Bohoongir District.

...PETITIONER

AND

1. The State of Telangana, Rep., by its Principal Secretary, Transport, Roads and Building Department, Secretariat, Hyderabad.
2. The Commissioner of Transport, Telangana State, Khairatabad, Hyderabad.

...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 more in the nature of Writ of Mandamus or any other writ order or direction, declare the impugned proceedings of the 2nd Respondent bearing R.No.2725/V3/2004, dated 17/06/2010 and orders in appeal in Memo No.11736/Vig.III/2/2010-3, Transport, R and B Dept., dated 01/04/2011 of the 1st Respondent and consequential order R.No.2725/V3/V2/2004, dated 10/02/2021 and set aside the same by declaring it is illegal, arbitrary, unconstitutional and void without any power and jurisdiction as the original punishment order bearing Rc.No.2725/V3/2004, dated 17/06/2010 is already set aside by the 2nd Respondent R. No.2725/V3/V2/2004, dated 26/07/2017 and consequently direct the Respondents to grant all notional benefits like promotion, increments, seniority and etc

I.A. NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation of the impugned order bearing impugned proceedings of the 2nd Respondent bearing R.No.2725/V3/2004, dated 17/06/2010 and orders in appeal in MemoNo.11736/Vig .III/2/2010-3, Transport, R and B Dept., dated 01/04/2011 of the 1st Respondent and consequential order R.No.2725/V3/V2/2004, dated 10/02/2021 pending disposal of the above writ petition.

I.A. NO: 1 OF 2022
Between:

1. The State of Telangana, Rep., by its Secretary, Transport, Roads and Building Department, Secretariat, Hyderabad.
2. The Commissioner of Transport, Telangana State, Khairatabad, Hyderabad.

...PETITIONER /RESPONDENTS

AND
Sri K.Sudharshan, S/o. Krishnama Chary, aged about 51 years, Senior Assistant, O/o. District Transport Office, Bhoongir, Yadadri Bohoongir District.
...RESPONDENTS/PETITIONERS

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 vacate the interim orders dated 23/12/2021 passed in IA.No. 1 of 2021 in W.P.No. 35400 of 2021.

Counsel for the Petitioner: SRI. RANGARAJULA RAJASEKHARA RAO

Counsel for the Respondents: AGP FOR SERVICES- III

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.35400 of 2021

DATE: 04.12.2025

BETWEEN:

K. Sudharshan

... Petitioner

And

The State of Telangana,

rep., by its Principal Secretary,

Transport, Roads & Building Department,

Secretariat, Hyderabad and another.

... Respondents

ORDER

Heard Sri Rangarajula Rajasekhar Rao, learned counsel appearing on behalf of the petitioner and the learned Assistant Government Pleader for Services - III appearing on behalf of the respondents.

2. <u>The petitioner approached the Court seeking prayer as under:</u>

> "......to issue a Writ more in the nature of Writ of Mandamus or any other writ order or direction, declare the impugned proceedings of the 2nd Respondent bearing R.No.2725/V3/2004, dated 17/06/2010 and orders in appeal in Memo No.11736/Vig.III/2/2010-3, Transport, R&B Dept., dated 01/04/2011 of the 1st Respondent and consequential order R.No.2725/V3/V2/2004, dated 10/02/2021 and set aside the same by declaring it is illegal, arbitrary, unconstitutional and void without any power and jurisdiction as the original punishment order bearing Rc.No.2725/V3/2004, dated 17/06/2010 is already set aside by the 2nd Respondent R.No.2725/V3/V2/2004, dated 26/07/2017 and consequently direct the Respondents to grant all notional benefits like promotion, increments, seniority and etc and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case."

3. <u>The case of the petitioner in brief as per the averments made in the affidavit filed by the petitioner in support of the present writ petition is as under:</u>

i) The petitioner was appointed as a Typist in 1989 and promoted as Senior Assistant in 1998. While the petitioner was working in the office of the Joint Commissioner of Transport, Khairatabad, a surprise check was conducted by ACB on 05.03.2004. Subsequently, a common departmental enquiry was ordered and charge memo dated 02.03.2005 was issued against the petitioner alleging (i) collection of illegal mamools through a private person, and (ii) allowing a private person to do official work.

ii) The petitioner submitted his explanation denying the charges. After enquiry, the Inquiry Officer held Charge No.1 as not proved and Charge No.2 as proved. The 2nd respondent disagreed with the findings and imposed punishment vide proceedings No.2725/V3/2004, dated 17.06.2010. The petitioner's appeal was rejected on 01.04.2011 without proper consideration, compelling the petitioner to approach the A.P. Administrative Tribunal, by filing O.A. No.8592/2010 and the Tribunal, vide order dated 11.11.2013, set aside the orders dated 17.06.2010 and

01.04.2011 and remanded the matter to the respondents therein for fresh consideration.

iii) Pursuant to the Tribunal's directions, the 2nd respondent issued proceedings vide R.No.2725/V3/V2/2004 dated 26.07.2017 setting aside the earlier punishment imposed against the petitioner. However, contrary to their own order and without any power of review under the Rules, the 2nd respondent again issued an impugned order vide R.No.2725/V3/V2/2004 dated 10.02.2021 imposing the punishment of stoppage of two annual grade increments with cumulative effect. Aggrieved by the same, the petitioner approached this Court by filing the present writ petition.

PERUSE THE RECORD

A) The relevant portion of the impugned proceedings of the respondent No.2-the Transport Commissioner, Hyderabad vide R.No.2725/V3/2004, dated 17.06.2010 issued to the petitioner herein is extracted hereunder:

"**Order:**

A surprise check was conducted by the ACB officials over the office of the Joint Transport Commissioner & Secretary Regional Transport Authority, Central Zone, Khairthabad, Hyderabad on 05-03-2004.

The Surprise check proceedings revealed that Sri. K. Sudershan, Senior Assistant has committed certain irregularities.

The following charges were framed against Sri. K. Sudershan, Sr. Asst., in the reference 2nd cited.

Charge 1:

He was indulging in practice of collecting illegal amount or mamools from the owners of the vehicles through a private person namely Sri M.Gopala Krishna engaged by him and collected bribe amount of Rs. 12850/- for him and other officials, was found and seized by the ACB officials from the possession of Sri M. Gopala Krishna at the time of surprise check on 05-03-2004.

Charge 2:

He allowed Sri M. Gopala Krishna on 05-03-2004 to do official work on behalf of him and failed to maintain absolute integrity in violation of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus Sri K.Sudarshan by his above mentioned acts exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1) & (2) of Andhra Pradesh Civil Service (Conduct) Rules, 1964.

In response to the above charge Sri. K. Sudershan, Senior Asst., submitted his explanation in the reference 3rd cited. As the explanation was not satisfactory Sri. M. Sri M.Radha Krishna Murty, Joint Transport Commissioner (V&E) was appointed as an Enquiry Officer in the reference 4th cited.

After competition of the enquiry the Enquiry Officer submitted his report and held that the charges No. 1 framed against Sri. K.Sudershan, Senior Asst., is not proved and charge No. 2 is held proved.

After careful examination of Enquiry Report the findings of the Enquiry Officer in respect of charge No.1 was not accepted for the following reasons.

As per the surprise check proceedings, during the surprise check conducted by ACB, unaccounted money of Rs.2000/- was found with a private person by name Sri. M. Gopala Krishna who was operating as an Agent. He was also found with another Rs.10,850/- stated to be collected from parties on behalf of Sri. K. Sudershan and by Smt. Arundhati, Sr. Assistants working at counter No. 22 & 23 respectively. The said amount was to be distributed among the staff members Viz. Sri. K. Sudhersha and Smt. Arundhati, Senior Assistants Sri. Tejban, Supdt., and Smt. Vijaya laxmi, RTO, for which slips were prepared duly mentioning the amounts received, to be distributed to the above staff and kept them separately. When Sri. Gopala Krishna, was asked about the letter noted on a chit wrapped to one of the wads of currency notes, he stated that (R) denotes R.T.O. He also gave other details.

The grounds for disagreement with the Findings of Inquiring Authority are:-

1. That unaccounted cash to an extent of more than Rs.12,000/- was found with an unauthorized person. It is clear that this was collection of bribe and each employee has a share i.e. The RTO., Supdt., and two Senior Assistants.
2. The unauthorized person at the time of recording statement clearly stated that each one has a share and the names were marked on the bundles.
3. Unless the RTO, gives consent, these things cannot happen in the office.

Therefore the findings of the Inquiry Officer in respect of Sri. K. Sudhershan, Senior Assistant are not accepted and the charge No.1 against him is also held proved.

In the reference 6th cited, the charged officer has been issued memo duly communicating a copy of the Enquiry report along with the disagreement note as per Sub Rule (2) of Rule 21 of APCS (CC&A) Rules 1991 for submitting the representation, if any.

With reference to the said memo Sri. K. Sudhershan, Senior Assistant has submitted his explanation in the reference 7th cited.

Sri. K. Sudershan, Senior Assistant, in his explanation, has stated that he is not related to the surprise check proceedings as he was not at all involved in the case and that he was already shifted from new registration of transport vehicle seat from which the said private person Sri Gopala Krishna was found to have been operating as agent; that the allegation that he engaged a private person by name Gopala Krishana was not supported by any evidence; that the private person during the enquiry has stated that out of Rs. 12,850/- found with him, an amount of Rs. 10,850/- was collected from various parties, that the ACB officials obtained statement of Sri. M. Gopala Krishna, private person and the symbols mentioning (R) (C) (S) (A) does not show that the amount were meant for sharing among the staff and that there is no failure on his part and requested to drop further action.

After careful examination of the Representation submitted by the accused officer in the reference 7th cited, with reference to inquiry report and material available on the record, it is found that the Representation of the accused officer has no merits and it is observed that the evidence collected and produced by the ACB clearly shows that unauthorized person with unauthorized cash was found with slips attached to the bundles of cash have shown the names including that of Sri. K. Sudhershan. It is also found that he allowed the said private person to do the official work on his behalf. Considering these aspects it is decided to impose the punishment of withholding of four annual grade increment with cumulative effect.

Accordingly Sri. K. Sudhershan, Senior Assistant is hereby inflicted with the **punishment of withholding of Four increments with cumulative effect.**

Sri. K. Sudhershan, Senior Assistant, office of the Deputy Transport Commissioner, Nizamabad is informed that there is a provision under Rule 33 of APCS (CC&A) Rules, 1991 for preferring an appeal to the Government against these orders and he may prefer an appeal within a period of 3 months from the date on which a copy of this order is received by him."

B) <u>The relevant portion of the impugned Memo No.11736/Vig.III/2/2010-3 dated 01.04.2011 issued by the Respondent No.1-the Principal Secretary to Government, Transport, Roads and Buildings Department to the petitioner herein, is extracted hereunder:</u>

> "In the reference 1st cited the Transport Commissioner, A.P., Hyderabad, has Imposed a punishment of "withholding of four annual grade increments with cumulative effect" against Sri K.Sudharshan, Senior Assistant for his acts in violation of Rule 3 of A.P.C.S (Conduct) Rules, 1964.
>
> 2. In the reference 2nd cited, Sri K.Sudharshan, Sr. Asst has filed an appeal petition before the Government with a request to quash the proceedings of the Transport Commissioner.
>
> 3. While the appeal petition was K.Sudharshan, Sr.Asst, has also filed O.A.No.8592/2010 also before the Andhra Pradesh Administrative Tribunal, Hyderabad and the Hon'ble under consideration, Sri Tribunal in its interim orders 4th cited has directed the 2nd respondent (Government) to pass appropriate orders on the appeal filed by the applicant 2nd cited within a period of six weeks from the date of receipt of a copy of the order.

4. Government after careful examination of the appeal with reference to the material available on records and observed that appeal does not merit for any consideration as no new grounds were put forth by the appellant warranting for any interference in the matter and therefore decided to reject the appeal.

5. Accordingly Government hereby reject the appeal filed by Sri K.Sudharshan, Sr.Asst, against the proceedings referred in the reference cited.

6. The record in original File No 2725/V3/2004 in two volumes containing 1-559 pages received in the 3rd cited is returned herewith to the Transport Commissioner and he is requested to acknowledge the receipt of the same."

C) <u>The relevant portion of the impugned proceedings vide R.No.2725/V3/V2/2004, dated 10.02.2021 of the respondent No.2-the Transport Commissioner, Andhra Pradesh, Hyderabad issued to the petitioner herein, is extracted hereunder:</u>

"ORDER:

A surprise check conducted by the ACB Officials over the office of the JTC & S/RTA, Hyderabad on 05-

03-2004. The Government in the reference 1st cited, has requested the Transport Commissioner to initiate Departmental Action against Sri. K. Sudershan, Senior Assistant and (3) others. Accordingly the following charges were framed against Sri K. Sudeshan, Sr. Asst vide reference 2nd cited.

Charges:

"Charge-1:

He was indulging in practice of collecting illegal amount or mamools from the owners of the vehicles through a private person namely Sri.M.Gopala Krishna, engaged by him and collected bribe amount of Rs.12,850/- for him and other officials, was found and seized by the ACB officials from the possession of M.Gopala Kristina at the time of surprise check on 05-03-2004.

Charge-2:

He has allowed Sri M.Gopala Krishna on 05-03-2004 to do official work on behalf of him.

And failed to maintain absolute integrity In violation of the A.P.Civil Service (Conduct) Rules, 1964.

Thus, Sri.K.Sudarshan by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1) & (2) of APCS (Conduct) Rules, 1964.

On receipt of the charge memo in reference 3rd cited, the charged officer submitted his explanation. On not being satisfied with the explanation an enquiry officer was appointed and the enquiry officer held the charges against Sri. K. Sudharshan, Sr. Asst as charge no.1 is not proved and charge no.2 is proved.

The findings of the enquiry officer were not accepted and punishment of withholding of four annual grade increments with cumulative effect was inflicted against Sri. K. Sudershan, Senior Assistant vide reference 4th cited

Aggrieved by the orders of punishment in the reference 5th cited, Sri K. Sudharshan, Sr. Asst preferred an appeal petition before the Government. After careful examination of the appeal petition Government rejected the appeal petition of Sri. K. Sudharshan, Sr. Asst in reference 6th cited.

Aggrieved by the orders of the punishment and rejection of appeal petition, Sri K. Sudharshan, Sr. Asst filed an O. A. No.8592/2010 before the Hon'ble APAT. Keeping in view of the orders of the Hon'ble Tribunal in the reference 7th cited and as per orders of the Government in the reference 12th cited, the punishment of withholding of four annual grade Increments with cumulative effect imposed by the Disciplinary Authority i.e., Transport Commissioner against Sri K. Sudershan, Sr. Asst was set aside in the reference 13th cited.

Further as per orders of the Hon'ble Tribunal and the Government, Sri K Sudershan, Sr. Asst was directed to appear before the Disciplinary Authority in person and to submit his written statement of defence with regard to Charge No.1, vide reference 14th cited. In reference 15th cited, Sri K. Sudershan, Sr. Asst submitted his Written Statement of Defence.

After careful examination of the Statement of Defence of Sri K. Sudershan, Sr. Asst in accordance with rules as advised by the Government in the reference 12th cited and earlier Enquiry Officer report dated: 19-08-2008, who enquired the case against the said Sri K. Sudershan, Sr. Asst wherein held the charge-1 as Not Proved. With regard to Charge-2 the Inquiry Officer reported that there is handwriting of Sri Gopala Krishna found in various files/records which clinchingly establish that he was assisting Sri K. Sudershan, Sr. Asst and held Proved.

Hence, the punishment of **"Stoppage of Two Increments with Cumulative Effect"** is hereby awarded against Sri K. Sudershan, Sr. Asst.

Sri K. Sudershan, Sr. Asst is informed that there is a provision under Rule 33 of TSCS (CC&A) Rules, 1991 (adapted) for preferring an appeal to the Government against these orders and he may prefer an appeal within a period of 3 months from the date on which a copy of this order is served upon him."

DISCUSSION AND CONCLUSION:

5. <u>Learned counsel appearing on behalf of the petitioner mainly puts forth the following submissions:</u>

5.1 Respondent No. 2 had no power to review its own orders under the TSCS (CC&A) Rules, 1991.

5.2 The impugned order of respondent No. 2 vide R.No. 2725/V3/V2/2004, dated 10.02.2021, imposing the punishment of stoppage of two annual grade increments with cumulative effect, is contrary to the earlier orders issued by respondent No. 2 vide R.No. 2725/V3/V2/2004, dated 26.07.2017.

5.3 In view of the fact that the original punishment order vide R.No.2725/V3/2004 dated 17.06.2010 had already been set aside by the Respondent No. 2 vide proceedings No. 2725/V3/V2/2004 dated 26.07.2017, the impugned proceedings of the Respondent No. 2 dated 17.06.2010, the proceedings of the Respondent No. 1 dated 01.04.2011, and the consequential order dated 10.02.2021of the respondent No.2 are wholly unwarranted and biased.

5.4 The respondents had not followed the due procedure as contemplated under Rule 21 of the APCS (CC & A) Rules, 1991. Further, witnesses were not examined as mandated under sub-rule 10(b) of the APCS (CC & A) Rules, 1991.

5.5 The impugned order dated 10.02.2021 clearly indicates that even before the communication of the inquiry report, a pre-decision had been taken unilaterally, thereby resulting in a clear violation of the principles of natural justice.

Based on the aforesaid submissions, learned counsel appearing on behalf of the petitioner

contends that the petitioner is entitled for the relief as prayed for in the present writ petition.

6. **Learned Assistant Government Pleader for Services-III appearing on behalf of the respondents, placing reliance on the averments made in the counter affidavit filed on behalf of respondents puts forth the following submissions:**

6.1 In view of the fact that one charge against the petitioner had been proved by the Inquiry Officer, a request was made to the Government to obtain the advice of the advisory body in vigilance matters with respect to the proposed punishment of stoppage of two annual grade increments with cumulative effect against the petitioner herein.

6.2 In response thereto, the Government, vide Memo No.11736/Tr.Vig./2010, dated 16.10.2020, informed that the advisory body had advised the imposition of the punishment of stoppage of two annual grade increments with cumulative effect. Consequently, the Government

Transport Commissioner intimated the Government, and the punishment of stoppage of two annual grade increments was imposed against the petitioner.

6.3 In view of the fact that the A.P.A.T., by its order dated 11.11.2013, remitted the case back to respondent No. 1 in O.A., who is the disciplinary authority, i.e., respondent No. 2 in the present writ petition and in accordance with the said directions, the case was considered afresh and orders were passed.

Based on the above submissions, learned Assistant Government Pleader contends that there is no illegality in the impugned order dated 10.02.2021 passed by the respondent No.1 and hence, the impugned proceedings warrant no interference by this Court, and the writ petition is liable to be dismissed.

7. Reply affidavit has been filed on behalf of the petitioner in response to the counter-affidavit filed on behalf of the respondents.

8. A bare perusal of the averments made in the counter-affidavit clearly indicates that the subject issue pertains to the year 2004, a surprise check was conducted by the ACP officials on 05.03.2004, charges were framed and an Inquiry Officer was appointed, and that, after completion of the inquiry, the Inquiry Officer held Charge No.1 against the petitioner as not proved and Charge No.2 as proved.

9. A bare perusal of the averments made in paragraph No.4 of the counter affidavit filed on behalf of the respondents clearly indicates the specific stand of the respondents that the disciplinary authority, i.e., the then Transport Commissioner, agreed with the findings of the Inquiry Officer in respect of the petitioner and all the charged officers, holding that only the 'off-record by private person' constituted a grave offence, and accordingly proposed to impose the punishment of postponement of two annual grade increments with cumulative effect, and forwarded the proposals vide letter dated 28.10.2006.

10. A bare perusal of the contents of the letter dated 28.10.2006, filed as a material document along with the counter-affidavit filed on behalf of the respondents herein, clearly indicates that, at Column No. 3 of the inquiry report, the disciplinary authority, unilaterally agreed with the findings of the Inquiry Officer, proposed to punish the petitioner by postponement of four annual grade increments with cumulative effect. The said remarks in Column No. 3 of the inquiry report are extracted hereunder:

> "Agreed with the findings of Enquiry Officer. Since handling the office records by a private person is a grave offence and proposed to punish by postponing of four annual increments with cumulative effect."

11. A bare perusal of the averments made in the counter-affidavit filed on behalf of the respondents clearly indicates that the subject issue had been predetermined, and that the Government Memo dated 11.07.2017, the Inquiry Officer's report dated 19.08.2006, and the proposal of the Transport Commissioner to impose the punishment of stoppage of two annual grade increments with cumulative effect formed the basis for passing the impugned order against the petitioner herein, without conducting a due enquiry as mandated under the rules, thereby resulting in a clear violation of the procedure contemplated under Rule 21 of the Rules, and the same is in clear violation of principles of natural justice.

12. A bare perusal of the averments made in paragraph No.14 of the counter-affidavit, which refer to the charges and findings of the Inquiry Officer against the petitioner herein, clearly indicates that not even a single person from whom illegal amounts/mamools were allegedly collected by M. Gopal Krishna were examined or produced during the enquiry.

13. This Court opines that the action of the respondents, in not examining even a single witness, is in gross violation of the principles embodied under Rule 21(2) of the TSCS (CC&A) Rules, 1991.

14. **This Court opines that the record clearly indicates that, even before furnishing a copy of the inquiry report to the petitioner in terms of Rule 21,**

respondent No.1 had prepared the disagreement factors and directed respondent No.2 to communicate the same to the petitioner and the said action on the part of the respondents amounts to a post-decisional hearing. Respondent No.2, being the disciplinary authority, failed to act independently and instead acted on the dictates of respondent No.1-Government.

15. This Court opines that there was no independent application of mind to the facts of the case and the entire subject issue had been predetermined against the petitioner, in clear violation of the principles of natural justice and due procedure for the conduct of an inquiry under Rule 21(2) of the TSCS (CC&A) Rules, 1991. This Court further opines that, as per the mandate of Rule 21(2) of the TSCS (CC&A) Rules, 1991, the disciplinary authority is required to communicate the reasons for disagreement, if any. However, in the present case, respondent No.2, the disciplinary authority, communicated the reasons for

disagreement and called for further representation from the petitioner only after the decision had already been determined. Hence, this Court opines that the entire inquiry conducted against the petitioner stands vitiated.

16. The Apex Court in a judgment reported in 2009 (2) SCC 570 in Roop Singh Negi v. Punjab National Bank & Others, dated 19.12.2008 held that the order of the Disciplinary Authority and also the Appellate Authority entails civil consequences and hence, the orders must be based on recorded reasons. At para 23 of the said judgment, it is observed as under :

> "23. Furthermore, the order of the disciplinary authority as also the appellate authority are not supported by any reason. As the orders passed by them have severe civil consequences, appropriate reasons should have been assigned.
>
> The materials brought on record pointing out the guilt are required to be proved. A decision must be arrived at on some evidence, which is legally admissible. The provisions of the Evidence Act may not be applicable in a departmental

proceeding but the principles of natural justice are. As the report of the enquiry officer was based on merely ipse dixit as also surmises and conjectures, the same could not have been sustained. The inferences drawn by the enquiry officer apparently were not supported by any evidence. Suspicion, as is well known, however high may be, can under no circumstances be held to be a substitute for legal proof."

18. This Court opines that the respondents herein dealt with the subject issue in a routine and casual manner, ignoring the fact that it is a quasi-judicial matter involving the service career of the petitioner as well as the petitioner's fundamental rights. The respondents failed to act independently and prejudged the subject issue even before communicating the inquiry report to the petitioner. Further, the impugned orders were passed mechanically, without justification or valid reasons.

19. This Court opines that justice must not only be done but manifestly appear to be done but in the present case apparently there is failure in justice as is evident on perusal of the impugned proceedings,

which admittedly are passed bereft of reasons and also in clear violation of principles of natural justice. Hence, this Court opines that petitioner is entitled for grant of relief in the present writ petition.

20. TAKING INTO CONSIDERATION:

a) The aforesaid facts and circumstances of the case,

b) The submissions made by the learned counsel appearing on behalf of the petitioner and the learned Government Pleader for Education appearing on behalf of the respondents,

c) The law laid down by the Apex court in the judgments (referred to and extracted above),

d) The discussion and conclusion as arrived at paragraph Nos.5 to 19 of the present order,

The writ petition is allowed, and the impugned orders vide R.No.2725/V3/2004, dated 17.06.2010, passed by respondent No.2, *vide* Memo No.11736/Vig.III/2/2010-3, Transport, R&B Department, dated 01.04.2011, issued by respondent No.1, and the consequential order vide R.No.2725/V3/V2/2004, dated 10.02.2021, passed by respondent No.2, are hereby set aside. The respondents are directed to consider the request of the petitioner for grant of all notional benefits due to the petitioner in accordance to law, as per the petitioner's legal entitlement, within a period of four (4) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall also stand closed.

SD/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Transport, Roads and Building Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner of Transport, Telangana State, Khairatabad, Hyderabad.
3. One CC to SRI. RANGARAJULA RAJASEKHARA RAO, Advocate [OPUC]
4. Two CCs to GP FOR SERVICES- III ,High Court for the State of Telangana At Hyderabad. [OUT]
5. Two CD Copies

HIGH COURT **CC TODAY**

DATED: 04/12/2025

ORDER

WP.No.35400 of 2021

HIGH COURT FOR THE STATE OF TELANGANA
16 JUN 2026

ALLOWING THE WRIT PETITION
WITHOUT COSTS

8 NT
16/6/26