

HIGH COURT FOR THE STATE OF TELANGANA  
THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN  
AND  
THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

Writ Petition No.22458 of 2019

Date: 17.10.2019

Between:

Kolla Ranga Rao

..Petitioner

And

The State of Telangana  
Rep. by its Principal Secretary,  
Law Department, Secretariat,  
Hyderabad and another

..Respondents

Standing Counsel for the Petitioner : Sri D.V.Sitaramamurthy,  
learned Senior Counsel  
rep. Sri A. Raghuram

Counsel for the respondent No.1 : G.P. for Law & Legislative  
Affairs

Counsel for the respondent No.2 : Sri B. Nalin Kumar,  
Standing Counsel for the  
High Court

The Court made the following:

**ORDER:** (Per the Hon'ble Sri Justice A.Abhishek Reddy)

The present writ petition is filed by the petitioner, who worked as a District and Sessions Judge.

2. The petitioner was recruited as District Judge on *ad hoc* basis to preside over the Fast Track Court, vide G.O.Rt.No.1798, Law (LA&J SCF) Department, dated 06.10.2003. When the petitioner was working as XII Additional District and Sessions Judge, Vikarabad, a complaint was received alleging that the petitioner was not passing orders after *reserving* the matters in some cases, or passing only the operative portion without dictating the full Judgment for months together. Basing on the said complaint, the then Registrar General, FAC Registrar (Vigilance), vide D.O.Lr.No.2984/2017-Vigilance Cell, dated 03.04.2018, directed the Principal District Judge, Rangareddy District, to conduct a discreet enquiry on the allegations made in the complaint. After enquiry, vide letter Dis.No.2444/2018, dated 07.04.2018, the District Judge has informed the High Court that the allegations made against the petitioner were found to be true. As a matter of fact, in thirty-two main cases, judgments were pronounced on docket without there being any dictation of the main judgment; there was no Judgment copy which was typed to dictation.

3. Subsequently, vide order ROC.No.857/2019-B.Special, dated 29.03.2019, the High Court has decided not to continue the services of the said incumbent beyond 58 years of age. Consequently, the High Court recommended to the government that the Officer be retired on 31.03.2019 AN i.e., the last day of the calendar month in which he completes 58 years of age. Moreover,

vide proceedings Order ROC.No.2984/2017, 1060, 1083 & 1100/2018-Vigilance Cell, dated 05.03.2019, the High Court has proposed to hold an enquiry in accordance with the procedure laid down under Rule 20 of the Telangana Civil Services (CC&A) Rules. Accordingly, the articles of charge were framed against the petitioner. Further, vide D.O. Letter No.2984/2017, 1060, 1083 & 1100/2018-Vigilance Cell, dated 14.06.2019, the Registrar General, (FAC Registrar (Vigilance)), directed the Principal District Judge, Ranga Reddy, to instruct the Presiding Officer of the Court of XII Additional District & Sessions Judge, Vikarabad, to re-open the forty-four cases, mentioned in the letter dated 29.03.2019, and to hear them afresh, and to dispose them of in accordance with law, following the resolution of the Administrative Committee of Hon'ble Judges, which read as follows:

*Resolved to reopen all the (44) cases as mentioned in the letter Dis.No.2155/LPR 302/18/Admn/2019, dated 29.03.2019 and direct the Presiding Officer of the Court of XII Additional District & Sessions Judge, Vikarabad, to hear afresh the matters and dispose them off in accordance with law.*

4. Aggrieved by the direction vide D.O. Letter No.2984/2017, 1060, 1083 & 1100/2018-Vigilance Cell, dated 14.06.2019, issued by the Registrar General, (FAC Registrar (Vigilance)), as well as by the Resolution of the Administrative Committee of the Hon'ble Judges, the petitioner has filed the present writ petition, mainly contending that the resolution of the Administrative Committee of the Hon'ble Judges directing to reopen all the forty-four cases is illegal, arbitrary and unsustainable in law; secondly, the judgments in all the forty-four cases were already pronounced in the open Court. Thus, under the guise of administrative orders, the

High Court cannot set aside the said Judgments, and order for rehearing. Thirdly, when once the judgments were dictated and pronounced in the open Court, they have attained finality. Thus, they cannot be re-heard.

5. Heard Sri D.V.Sitaramamurthy, learned Senior Counsel appearing on behalf of Sri A.Raghuram, learned counsel for the petitioner, and Sri B.Nalin Kumar, learned Standing Counsel for the High Court.

6. Learned counsel appearing for the petitioner primarily contends that a judicial order/judgment pronounced in the open Court cannot be set aside by an Administrative Order except only by a Judicial Order by an Appellate Court. He further contends that the Administrative Committee failed to take note of the fact that the delay in making the fair copies of the judgments was caused by the concerned Stenographer, for which the petitioner cannot be found fault with. The Administrative Committee cannot be expected to resolve to re-open all the matters and direct to re-hear the cases afresh and dispose off them by setting aside the judgments, which were already pronounced in the open Court. Thus, the learned counsel contends that the decision of the Administrative Committee of Hon'ble Judges to re-open all the cases is not at all warranted in the facts and circumstances of the case.

7. On the other hand, the learned Standing Counsel appearing for the 2<sup>nd</sup> respondent contends that no prejudice will be caused to the petitioner as by no stretch of imagination, he can be said to be an aggrieved party, by the decision of the Administrative

Committee of the Hon'ble Judges. For, to re-open all the cases and pass orders on merits will not have any bearing on the departmental enquiry ordered by the Hon'ble Court. In fact, the petitioner is free to canvass all the grounds, which are assailed now, in the departmental enquiry.

8. We have gone through the affidavit filed in support of the writ petition, and the material filed along with the same. We do not find any merit in the present writ petition and the same does not warrant any grant of relief to the petitioner, for the following reasons:

i) The petitioner in no terms can be said to be aggrieved by the resolution of the Administrative Committee of the Hon'ble Judges directing the Presiding Officer of the XII Additional District & Sessions Judge, Vikarabad, to re-hear the cases afresh, and to dispose them of in accordance with law. For, he is not a party to any of the suits/cases, which were directed to be re-heard and disposed of.

ii) If the petitioner had actually dictated and pronounced the judgments in the open Court, as contended by him, it is either for the plaintiff/defendant or complainant/accused or appellant/respondent, as the case may be, to come before this Court and canvass his/her grievance, but the petitioner cannot step into the shoes of the parties and espouse their cause/grievance.

iii) Thirdly, no civil rights, or fundamental rights, as enshrined in the Constitution of India, are violated by passing of the resolution of the Administrative Committee of the Hon'ble

Judges in order to invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

iv) If the petitioner has any defence regarding the pronouncement of judgments, as contended by him, he can submit his explanation along with relevant documentary proof, if any, to the charges framed in the departmental enquiry initiated against him.

9. For the reasons stated above, this Court does not find any merit in the present writ petition; the same is accordingly dismissed. However, the observations made in this order will not, in any way, effect or influence the departmental enquiry pending against the petitioner.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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**RAGHVENDRA SINGH CHAUHAN, HCJ**

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**A.ABHISHEK REDDY, J**

17<sup>th</sup> October, 2019  
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