

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

**THURSDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY**

PRESENT

**THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY
AND
THE HON'BLE SRI JUSTICE K. LAKSHMAN**

WRIT PETITION NO: 23334 OF 2020

Between:

Union of India, rep. by the Secretary, Ministry of Labour and Employment Govt.
of India Shram Shakti Bhavan Rafi Marg, New Delhi - 110 001,

...PETITIONER

AND

Adern Prabhakar, S/o. Late Shri A Anjaneya Reddy Aged about 67 years,
Retd.Dy.Chief Labour Commissioner (Central), R/o. Subha Shree House No.552
(old No.6-3-252/1/2) Erram Manzil, Hyderabad -500082

...RESPONDENT

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 an order or direction more particularly in the nature of Writ of Certiorari calling
for the records pertaining to Order dated: 25/11/2019 in OA No.1098 of 2013 on the
file of the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad and
quash the same as arbitrary, unjust and contrary to law.

IA NO: 1 OF 2020

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
operation of the orders dated: 25/11/2019 in OA No.1098 of 2013 passed by the
Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad, pending
disposal of WP.

Counsel for the Petitioner: SRI NAMAVARAPU RAJESHWAR RAO,

ASSISTANT SOLICITOR GENERAL

Counsel for the Respondent :-----

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY
AND
THE HONOURABLE SRI JUSTICE K. LAKSHMAN**

Writ Petition No.23334 of 2020

ORDER: (Per Sri Justice A. Rajasheker Reddy)

This writ petition is filed against the order dated 25.11.2019 passed in O.A.No.20/1098/2013 by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, wherein and whereby the Tribunal has set aside the punishment imposed on the respondent and directed the petitioner to review and modify the punishment to a lesser penalty, which is commensurate to the lapse committed by the respondent and to be on par with others who were found to err in the issue under question.

2. Sri Namavarapu Rajeshwar Reddy, Assistant Solicitor General of India, appearing for the petitioner, submits that as serious lapses were committed by the respondent being a superior officer, the Tribunal could not have interfered with the punishment imposed by the petitioner vide order dated 19.03.2012 and that imposition of lesser punishment will amount to condone the lapses committed by the respondent when the allegations are serious in nature involving procedural irregularities.

3. A reading of the order passed by the Tribunal goes to show that the Tribunal has rightly considered the issue by referring to the judgments of the Apex Court in **J. Ahmed v. Union of Indiaⁱ**; **Man Singh v. State of Haryanaⁱⁱ**; **P. Sirajuddin v. State of Madrasⁱⁱⁱ**; and **State of Punjab v. Davinder Pal Singh Bhullar^{iv}**. The Tribunal in paragraph VII of the order held as follows:

"Therefore, to sum up, it is abundantly clear that the applicant was not involved in a case of procurement of medicines to enrich himself. He followed the procedure as was followed by others. Respondents failed to lay down a firm policy in procuring medicines. They did so only after the limited tender process was completed by the applicant, who has candidly admitted as to what he has

done. CBI did not report that the applicant was dishonest. After traversing through the case details, we found it to be more a case of negligence on the part of the applicant and lack of balance in imposing penalties by the respondent for more or less similar lapses by employees involved in the issue. A purchase committee comprising doctors, who are aware as to the quality of medicines to be procured, was involved. Applicant cannot be solely made responsible for the alleged lapses. It was collective wisdom which prevailed in taking the decision of procuring medicines. Action of the respondent is thus not in congruence with many legal principles laid down by the Hon'ble Supreme Court cited supra, in regard to various aspects of the issue. However, one should not ignore the aspect that the applicant being a senior officer, should have exercised caution in procurement by adhering to basic financial rules. Work load does not entail any liberty to take wrong decisions. However, the applicant was found not to be dishonest. He followed what others did and his fellow colleague was let off with a minor penalty".

4. The fact that lesser punishment was imposed on similarly situated persons is not seriously disputed and the Tribunal also found that CBI has not reported that the respondent was dishonest and he cannot be solely responsible for the alleged lapses. The said findings of the Tribunal are not seriously challenged. The Tribunal has not let-off the respondent without any punishment, but only directed to impose lesser punishment keeping in view facts and circumstances.

5. In view of the above, we are of the view that the Tribunal has taken all pains to go into the details of the matter and gave specific findings, which could not be attacked very seriously. In view of the said findings of fact, we are not inclined to re-appreciate the evidence and interfere with findings of fact rendered by the Tribunal, by exercising power of judicial review under Article 226 of the Constitution of India.

6. Keeping in view the totality of facts and circumstances, we are of the view that this is not a fit case to interfere and interdict the order passed by the Tribunal by exercising power under Article 226 of the Constitution of India.

7. Accordingly, the Writ Petition is dismissed. No order as to costs.
8. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

AIR 1979 SC 1022

(2008) 12 SCC 331

1970(1) SCC 595

(2014) SCC (L&S) 208; (2011) 14 SCC 770

//TRUE COPY//

SD/-K.ONESIM
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to Sri. Namavarapu Rajeshwar Rao, Assistant Solicitor General [OPUC]
2. Two C.D. Copies

Prk

HIGH COURT

DATED:31/12/2020

ORDER

WP.No.23334 of 2020



Dismissing the WP.
without costs.

3 VLV
20/2/21