

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

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 37138 OF 2021

Between:

Syed Khan, S/o. Mahmood Khan, aged 65 yrs, Occ Retired RHC 459, 5-10-91,
Yellammagutta, Police Lines, Nizamabad

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary (Home) Secretariat, Hyderabad.
2. The Director General of Police, State of Telangana, Hyderabad.
3. The Additional Director General of Police, Railways and R.S, State of Telangana
4. The Superintendent of Police, Railway Police District, Secunderabad.
5. The Deputy Superintendent of Police, R.P. Sub Division, Secunderabad Urban.

...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 an order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No. 4 in initiating departmental proceedings against the petitioner after retirement vide Rc.No.02/AS/PR/2015 dated 23/03/2015 and the consequential proceedings of the 5th respondent vide No.02/OE/DSRP/SC-U/2015-21 dated 25/08/2021 as arbitrary, unjust and against the principles of natural justice in view of clean acquittal of the petitioner in N/SC No.3 of 2016 by the 1st Additional Sessions Judge, Nizamabad dated 28/06/2020 and to set aside the initiation of OE enquiry against the petitioner.

IA NO: 1 OF 2021

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 the initiation of departmental proceedings vide Rc.No.02/AS/PR/2015 dated 23/03/2015 and the consequential proceedings of the 5th respondent vide No.02/OE/DSRP/SC-U/2015-21 dated 25-08-2021.

Counsel for the Petitioner : SRI M. V. PRATAP REDDY

Counsel for the Respondents: GP FOR SERVICES -I

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.37138 of 2021

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:

".....to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.4 in initiating departmental proceedings against the petitioner after retirement vide Rc.No.02/AS/PR/2015, dated 23/03/2015 and the consequential proceedings of the 5th respondent vide No.02/OE DSRP/SC-U/2015-21 dated 25/08/2021 as arbitrary, unjust and against the principles of natural justice in view of clean acquittal of the petitioner in N/SC No.3 of 2016 by the 1st Additional Sessions Judge, Nizamabad dated 28/06/2020 and to set aside the initiation of OE enquiry against the petitioner.....".

Heard Sri M.V.Pratap Reddy, learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

Learned counsel appearing for the petitioner had contended that the petitioner is a retired Railway Head Constable. While he was working as a Head Constable, the disciplinary authority had initiated disciplinary proceedings and on the same set of allegations, the petitioner was also tried by the competent criminal court in N/SC.No.3 of 2016 and that the petitioner was acquitted vide Judgment dated 26.06.2020.

The grievance of the petitioner is that on the very same set of allegations, the departmental proceedings were also initiated and he has submitted a detailed representation to the respondents on

18.06.2021 requesting the respondents to drop the disciplinary proceedings, as he was acquitted by the competent criminal court. But, so far, the respondents have not passed any orders on the said representation. The respondents are proceeding with the departmental enquiry and he was asked to appear before an Enquiry Officer. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner had contended that the petitioner was acquitted by the competent criminal court vide judgment dated 26.06.2020 in N/SC.No.3 of 2016 and on the very same set of allegations, the respondents are proceeding with the departmental enquiry.

Therefore, learned counsel appearing for the petitioner had contended that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 18.06.2021 before proceeding with the departmental enquiry.

Learned Special Government Pleader appearing for the respondents had contended that there is no bar for conducting departmental enquiry. However, since the representation of the petitioner is pending with the respondents, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 18.06.2021 and pass

appropriate orders in accordance with law, before initiating departmental enquiry, within a reasonable period of time, preferably within a period of eight weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

SD/-T.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Home), State of Telangana, Secretariat, Hyderabad.
2. The Director General of Police, State of Telangana, Hyderabad.
3. The Additional Director General of Police, Railways and R.S, State of Telangana
4. The Superintendent of Police, Railway Police District, Secunderabad.
5. The Deputy Superintendent of Police, R.P.Sub Division, Secunderabad Urban.
6. One CC to Sri M. V. Pratap Reddy, Advocate [OPUC]
7. Two CCs to GP for Services- I, High Court for the State of Telangana at Hyderabad. [OUT
8. Two CD Copies
9. One Spare Copy

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HIGH COURT

DATED:31/12/2021

ORDER

WP.No.37138 of 2021



DISPOSING OF THE WP
WITHOUT COSTS

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