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

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

PRESENT

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

WRIT PETITION NO: 26121 OF 2025

Between:

Danday Venkateshwarlu, S/o. Danday Sree Ramulu, Aged about: 49 years, Occ: Bailiff/Field Assistant (Under Suspension), R/o. H.No.13-115, Flat No F1, OM Sree Nilayam, P & T Colony, Dilsukhnagar, Hyderabad, Telangana.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary (Law Department), Secretariat, Hyderabad, Telangana
2. The High Court of Telangana, Rep. by its Registrar General, At High Court, Hyderabad, Telangana.
3. The Disciplinary Authority Cum Principal District and Sessions Judge, Ranga Reddy Dist., L.B.Nagar, Hyderabad, Telangana.
4. The Enquiry Officer cum V Addl. District and Sessions Judge, Ranga Reddy Dist., L.B.Nagar, Hyderabad, Telangana.

(R2 is formal party to the above W.P. and no relief is claimed against R2)

...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 toto issue appropriate order or orders more particularly one in the nature of Writ of Mandamus directing the Respondent No.2 and 3 to reinstate the Petitioner as Bailiff/Filed Assistant pending domestic Enquiry No.04/2024 before the Respondent No.4 consequently setaside the rejection order dated 30/06/2025 passed by the Respondent No.3.

IA NO: 1 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 direct the Respondent No. 2 and 3 to pay the arrears of Subsistence allowance @ 75% as entitled by the Petitioner under the Telangana Fundamental Rules, by suspending the operation of the rejection order dated 30.06.2025, pending domestic enquiry No.04/2024 before the Respondent No.4.

Counsel for the Petitioner: SRI M. VIJAYA KUMAR GOUD

Counsel for the Respondent No.1 & 2: Ms. M. SHALINI, GP FOR SERVICES II

Counsel for the Respondent No.3 & 4: SRI VIVEK JAIN, SC FOR HC

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

Writ Petition No.26121 of 2025

Date: 11.12.2025

Between:
Danday Venkateshwarlu

...Petitioner

AND

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

...Respondents

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

Heard Mr.M.Vijaya Kumar Goud, learned counsel for the petitioner; Ms.M.Shalini, learned Government Pleader for Services – II and Mr.Vivek Jain, learned standing counsel for respondent Nos.3 and 4. Perused the record.

2. The instant writ petition has been filed assailing the order annexed dated 30.06.2025. *Vide* the said order, respondent No.3 –

Disciplinary Authority of the petitioner had rejected two claims put forth by the petitioner. Firstly, the claim for enhancement of subsistence allowance from 50% to 75% in terms of FR 53 (1) (ii) (a) and secondly, the claim for rejection of suspension and reinstatement into service.

3. The Authority i.e., respondent No.3 has rejected both the above claims. So far as enhancement of subsistence allowance is concerned, the same was rejected in terms of the aforesaid FR 53 (1) (ii) (a). This, in the opinion of this Bench has been rightly rejected as FR itself specifically enumerates that the subsistence allowance for an employee cannot be raised from 50% to 75% in the event if the person is charged in the criminal cases on charges of corruption, mis-appropriation demand or acceptance of legal gratification. In the instant case, the petitioner is facing prosecution on the demand of illegal gratification. Therefore, there does not seem to be any scope of interference to the impugned order so far as rejection of enhancement of subsistence allowance is concerned.

4. However, as regards the revocation of suspension is concerned, the only ground for rejection of claim of revocation is pendency of criminal case and the disciplinary proceedings. At this juncture, learned counsel for the petitioner took this Bench through G.O.Ms.No.526 General Administration (Services.C) Department, dated 19.08.2008 wherein in paragraph Nos.3 and 4 reads as under:

> *3. Accordingly, Government, hereby, direct that the employees who are under suspension for a period exceeding two years shall be reinstated pending finalization of the disciplinary cases / criminal cases against them. However in exceptional cases, for example, where the charged Officers are not co-operating for completion of investigation / inquiry or when the inquiry/investigation could not be completed due to pendency of litigation, a Committee headed by the Secretary of the administrative Department, Headed of the Department concerned and an official from the Anti Corruption Bureau (where the cases are emanated from Anti Corruption Bureau investigation). Shall review the orders of suspension against the employees who are continued under suspension well before completion of two years of suspension and take a decision to*

continue such employees under suspension beyond two years, duly recording the reasons for such a decision.

4. All the Departments of Secretariat. Heads of Departments and District Collectors should follow the above instructions scrupulously and bring it to the notice of all the concerned for strict implementation of the above orders."

5. The compliance in terms of said G.O.Ms.No.526 does not seem to have been followed by respondent No.3 in the course of passing the impugned order is concerned. The plain reading of the portion of G.O.Ms.No.526, already reproduced earlier, would definitely lead us to the only inference of a requirement by all the disciplinary authorities in ensuring that whether the order of suspension is in operation for quite some time. The Disciplinary Authority should periodically review the same and as per the G.O.Ms.No.526 it has to be done before two years of a person being placed under suspension.

6. In the instant case, now the petitioner has already suffered suspension for more than two years and therefore the compliance

as is sought for in terms of G.O.Ms.No.526 dated 19.08.2008 needs to be adhered upon by all the disciplinary authorities under the State Government which includes the respondent No.3.

7. We see no reason why the case of the petitioner should not had been reconsidered or reviewed in terms of G.O.Ms.No.526 dated 19.08.2008. In view of the aforesaid factual narration and the observations of this Court, we are inclined to dispose of the present writ petition with a direction to respondent No.3 to adhere to G.O.Ms.No.526 dated 19.08.2007 so far as the petitioner's case is concerned, as he has already remained under suspension for more than two years and an appropriate order be passed upon reviewing the case of the petitioner whether the revocation of the suspension is called for or not.

8. Let an appropriate order be passed giving reasons in respect of the conclusion that the Disciplinary Authority arrived at. While passing the said order, we make it clear that the observations made by the Disciplinary Authority when passing the impugned order in Annexure P1 so far as the claim for reinstatement is

concerned, shall not come in the way or rather the Disciplinary Authority shall not be in any manner influenced by the said observation. It is expected that Disciplinary Authority shall take a decision within outer limit of six (6) weeks.

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

SD-A.V.S. PRASAD
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

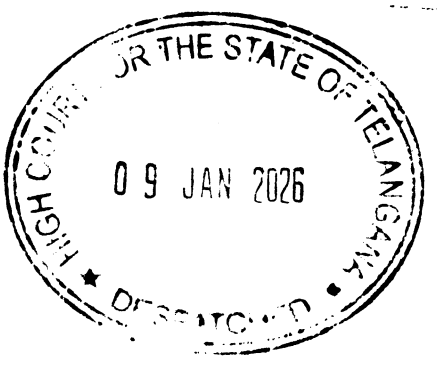
To,

1. The Principal Secretary (Law Department), The State of Telangana, Secretariat, Hyderabad, Telangana
2. The Registrar General, The High Court of Telangana, At High Court, Hyderabad, Telangana.
3. The Disciplinary Authority Cum Principal District and Sessions Judge, Ranga Reddy Dist., L.B.Nagar, Hyderabad, Telangana.
4. The Enquiry Officer cum V Addl. District and Sessions Judge, Ranga Reddy Dist., L.B.Nagar, Hyderabad, Telangana
5. One CC to SRI M. VIJAYA KUMAR GOUD, Advocate [OPUC]
6. One CC to SRI VIVEK JAIN, SC FOR HC [OPUC]
7. Two CCs to GP FOR SERVICES II, High Court for the State of Telangana. [OUT]
8. Two CD Copies

BN
BS

HIGH COURT

DATED:11/12/2025



ORDER

WP.No.26121 of 2025

DISPOSING OF THE WRIT PETITION WITHOUT COSTS

(11)
lcpl
29/12/25