*** THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

+W.P.NO. 4619 OF 2023

% 04.11.2026

#Between:

B Srinivasa Rao

…… Petitioner

$And:

The Unit Run Canteen National Cadet Corps & Others

… Respondents

!Counsel for the Petitioner : Smt. M. Siva Jyothi

^Counsel for the Respondents : Ms. Sk. Shahedaz, learned counsel representing Sri T. Niranjan, learned Dy. Solicitor General of India.

<Gist:

>Head Note:

? Cases referred:

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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W.P.NO. 4619 OF 2023

B Srinivasa Rao

…… Petitioner

And:

The Unit Run Canteen National Cadet Corps & Others

….Respondents

DATE OF ORDER RESERVED	**:**	**13.10.2026**
DATE OF ORDER PRONOUNCED	**:**	**04.11.2026**
DATE OF ORDER UPLOADED	**:**	**11.11.2026**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

1. Whether Reporters of Local newspapers may be allowed to see the Order? Yes/No
2. Whether the copies of order may be marked to Law Reporters/Journals? Yes/No
3. Whether Your Lordships wish to see the fair copy of the Order? Yes/No

_____

JUSTICE BALAJI MEDAMALLI

Date of reserved for orders : 13.10.2026
Date of pronouncement : 04.11.2026
Date of uploading : 11.11.2026

APHC010091442023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 4619 OF 2023

Between:

1. B SRINIVASA RAO, S/o Late Venkataswamy, Aged about 61 years, Retired JCO-cum- URC Manager, H.No.26-39-120/26A, Sriramanagar, A.T.Agaraharam, Guntur, Guntur District.

...Petitioner

AND

1. THE UNIT RUN CANTEEN NATIONAL CADET CORPS, Group Head Quarters, Represented by its Chairman, 2nd Lane, Shamalanagar Main Road, Guntur, Guntur District.

2. The Deputy Director General, National Cadet Corps (APand T) NCC Directorate, Gen Chaudahari Road, Secunderabad, Telangana State.

3. IC49276A Col Shaji John, S/o K.Yohannan Age 57 years, College of Defence Management (CDM), Sainikpuri Post, Secunderabad, Telangana-500094.

...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, order or direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the second respondent in dismissing the appeal vide order dated 27.12.2022 and confirming the order of the first respondent dated 16.04.2019 vide Proceedings

NCC(APandT)/312/4/CF-08/Pers(MS) by holding it as illegal, arbitrary, violation of Principles of natural justice and contrary to the order passed by this Honourable Court in Writ Petition Nos.12218 of 2021 dated 05.11.2021 and Writ Petition No.11481 of 2022 dated 10.10.2022 and consequently set aside the order passed by the second respondent dated 27.12.2022 as well as order of the first respondent dated 16.04.2019 vide Proceedings Rc.Gun/457/C of 1/URC/11 and direct the respondents to release all consequential benefits such as continuity of service, arrears of pay and allowances, gratuity and all other benefits as if he was in service and to pass

IA NO: 1 OF 2023

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 grant interim suspension of the operation of the order dated 27.12.2022 vide Proceedings NCC (APandT)/312/4/CF-08/Pers(MS) passed by the second respondent confirming the order dated 16.04.2019 vide Proceedings Rc.Gun/457/C of 1/URC/11 passed by the first respondent pending disposal of the above writ petition and to pass

IA NO: 1 OF 2026

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 grant leave to Respondent No.1 to present counter affidavit in WP.No.4619 of 2023 and pass

Counsel for the Petitioner: M SIVA JYOTHI

Counsel for the Respondents: T NIRANJAN, Dy. Solicitor Genl. of India

The Court made the following order:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 4619/2023

ORDER:

Writ Petition is filed seeking the following relief:

> *"be pleased issue a Writ order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the second respondent in dismissing the appeal vide order dated 27.12.2022 and confirming the order of the first respondent dated 16.04.2019 vide Proceedings NCC(AP&T)/312/4/CF-08/Pers(MS) by holding it as illegal, arbitrary, violation of Principles of natural justice and contrary to the order passed by this Hon'ble Court in Writ Petition Nos.12218 of 2021 dated 05.11.2021 and Writ Petition No.11481 of 2022 dated 10.10.2022 and consequently set aside the order passed by the second respondent dated 27.12.2022 as well as order of the first respondent dated 16.04.2019 vide Proceedings Rc.Gun/457/C of 1/URC/11 and direct the respondents to release all consequential benefits such as continuity of service arrears of pay and allowances gratuity and all other benefits as if he was in service and to pass"*

2. Brief facts of the case are that petitioner joined Indian Army in 1981 and, after taking premature retirement on 30.06.1997, joined the CSD Canteen, NCC Group Headquarters, as a Bradma Machine Operator on 10.11.2000. He was subsequently promoted as Assistant Manager and thereafter as Canteen Manager. While he was working as Canteen Manager, a charge memo dated 17.01.2019 was issued to him, framing six charges. Petitioner submitted his explanation on 21.01.2019. Thereafter, an Enquiry Officer was appointed, who, upon conducting an enquiry, submitted his report on 17.03.2019. Subsequently, 1st respondent issued a show-cause notice dated 28.03.2019, calling upon the petitioner to explain why punishment of dismissal from service without benefit of gratuity should not be imposed on him. Petitioner submitted his explanation on 08.04.2019. The 1st respondent,

vide Proceedings No.Gun/457/C of 1/URC/11, dated 16.04.2019, imposed the punishment of dismissal from service. Aggrieved by the said order, petitioner preferred an appeal before the 2nd respondent. However, the 2nd respondent dismissed the appeal on 03.06.2019 without affording the petitioner an opportunity of hearing. Challenging the said order, petitioner filed W.P.No.12218 of 2021 before this Court, which was disposed of on 05.11.2021, setting aside the appellate order and directing 2nd respondent to pass a reasoned order. As the subsequent orders passed by 2nd respondent allegedly did not comply with the directions of this Court, petitioner filed W.P.No.14418 of 2022, which was disposed of on 26.09.2022, remanding the matter to 2nd respondent for fresh consideration of the appeal in accordance with law. Thereafter, 2nd respondent, *vide* impugned order dated 27.12.2022, confirmed punishment of dismissal from service. Aggrieved by the same, petitioner has filed present writ petition.

3. Respondents, in their counter-affidavit, submit that Appellate Authority considered all grounds and materials placed before it and afforded a personal hearing to the petitioner. The WhatsApp chats, certificates and miscellaneous documents belatedly produced by the petitioner do not exonerate him, as instructions or communications from superiors cannot justify unauthorized acts, manipulation of accounts or misappropriation of funds. Routine monthly correctness certificates and regular audits cannot override specific acts of fraud established during a dedicated enquiry. Petitioner's plea that he acted under the instructions of the 3rd respondent is

an afterthought and is wholly untenable and legally unsustainable, as a subordinate cannot justify fraudulent acts by relying on alleged oral instructions. Further, petitioner was not governed by the Army Act at relevant time so as to claim that he was bound to obey such instructions blindly. It is further contended that the charge memo dated 17.01.2019 was duly served on the petitioner, his explanations were considered, an impartial internal enquiry was conducted, and a second show-cause notice was issued before imposing punishment. During enquiry, petitioner was present and was afforded an opportunity to cross-examine witnesses and make his statement, thereby ensuring compliance with principles of natural justice. The allegations that he was forced to proceed on leave and that office documents were destroyed are baseless, unsupported by credible evidence and raised merely as an afterthought to deflect personal responsibility. The respondents further contend that the Appellate Authority, after considering the enquiry report, the charges held proved and the material placed by the petitioner, and after affording him a personal hearing, passed impugned order dated 27.12.2022 in compliance with the directions of this Court. They contend that all six charges, relating to unauthorized correspondence with vendors, misappropriation of Rs.90,052/-, unauthorized disabling of the biometric access system, failure to supervise billing staff, and possession of unaccounted cash of Rs.33,016.50/- and 52 canteen smart cards, were established through oral and documentary evidence. They further submit that petitioner was afforded adequate opportunity to defend himself during the departmental enquiry and that

punishment of dismissal from service is proportionate to gravity of misconduct. Denying the allegations of violation of principles of natural justice and non-compliance with the orders of this Court, respondents contend that writ petition is devoid of merit and is liable to be dismissed.

4. Heard Smt.M.Siva Jyothi, learned counsel for the petitioner, and Ms.Sk.Shahedaz, learned counsel representing Sri T.Niranjan, learned Deputy Solicitor General of India, appearing for the respondents.

5. Challenging the order of punishment dated 16.04.2019, as confirmed by the order of the 2nd respondent dated 03.06.2019, petitioner approached this Court by filing Writ Petition No.12218 of 2021. This Court, after considering the submissions, allowed the Writ Petition in part, setting aside the order dated 03.06.2019 and directing the Deputy Director General to examine the issue afresh and to pass a speaking order on merits of the matter. This Court arrived at the said conclusion on the ground that the order dated 03.06.2019 does not contain reasons as are required under law, as the order merely states the conclusion without discussing evidence and accordingly, the said order was set aside, directing the Deputy Director General to examine the issue afresh and pass a speaking order. Pursuant to which, the respondents passed an order dated 17.01.2022, whereby the order of 1st respondent was once again confirmed. Against the same, petitioner approached this Court by filing Writ Petition No.14418 of 2022. This Court *vide* order dated 26.09.2022, was pleased to set aside the same, directing the respondents to reconsider the appeal preferred by the petitioner afresh, in

terms of order dated 05.11.2021 passed in Writ Petition No.12218 of 2021, duly considering the material placed by the petitioner and to pass appropriate orders in accordance with law. Thereupon, the 2nd respondent had taken up the matter for fresh consideration and reappreciated all the facts and the material placed before the 2nd respondent.

6. Petitioner raised allegations of misappropriation of funds and malpractices against Colonel Shaji Joh, Chairman, URC, by way of a letter dated 15.01.2020 addressed to the higher authorities. However, as Court of Inquiry concluded on 13.12.2019 that letters containing allegations against the Chairman were addressed to higher authorities, only thereafter, the same were treated as an afterthought. It was stated that, during the enquiry, petitioner was provided full opportunity and freedom as per law to present his defence and examine all the documents and witnesses, wherein he did not chose to produce the same and no witnesses were examined. The finding is also recorded in the order impugned in the Writ Petition that an opportunity was given to the petitioner to produce documents in his defence, pursuant to which, he produced eleven documents. The said documents were examined in detail and cognizance was taken. Petitioner was given full opportunity to cross-examine any witness in his defence. Principles of natural justice were followed during the fair and impartial domestic inquiry and all relevant documents signed by the petitioner and admitted to be signed by the petitioner as URC Manager were perused during the inquiry. Written confirmations received from firms and individuals with reference to petitioner’s malpractices

and corruption have been documented and attached to the said inquiry and relevant portions have been signed by the petitioner. Accordingly, regarding the findings, as the petitioner had pleaded guilty of charges 1 to 3, the Enquiry Officer held that the charges are proved against the petitioner. Accordingly, 2nd respondent had considered all the contentions raised and the documents relied upon by the petitioner.

7. Learned counsel for the petitioner, while drawing the attention of this Court to the grounds of the appeal filed against the order of punishment dated 18.05.2019 and also the representation dated 26.11.2021 submitted subsequent to the orders passed by this Court in Writ Petition No.12218 of 2021, submits that, in the appeal, petitioner had not raised any grounds, except stating that the lapses for which petitioner held responsible were committed due to connivance and on instructions of the Chairman, URC, and that the same was not done by him on his own. He also submitted that there is digital and forensic proof of Chairman's involvement in the offence and willing to appear and submit all the irrefutable evidences which is in his possession to the appellate authority for perusal and necessary action and sought for conducting a fresh enquiry.

8. In the said appeal, petitioner had not raised any specific grounds, except making certain allegations against the Chairman of 1st respondent. Even in the subsequent representation dated 26.11.2021, petitioner had not raised any specific ground on the findings recorded, except referring to punishment imposed and reiterating the allegations against the Chairman,

Colonel Shaji John, and made a request for providing certain documents. Except for the aforesaid contentions and request, no material was annexed to the said representation in support of his allegations and also no material is placed to establish his innocence that apart he agrees that he had done on the direction of the chairman of 1st respondent.

9. Learned counsel for the petitioner also draws the attention of this Court to certain Whatsapp screenshots regarding replacement of orders and certain messages exchanged between petitioner and Chairman of 1st respondent. However, petitioner could not make out any case basing on the said Whatsapp chats and other communications stated to have taken place between petitioner and Chairman of 1st respondent. Except saying that the said material was not considered, nothing has been pleaded before the Court nor stated in the affidavit filed along with the Writ Petition as to how the said material is relevant and the purpose for which the same was relied upon. The order impugned in the Writ Petition was a speaking order referring to all the contentions and issues raised by the petitioner and also discussed about the evidence, and accordingly, recorded findings against the petitioner, as such, the same cannot be said that it was in violation of principles of natural justice. Once petitioner is unable to establish the relevancy of material placed on record, either before the 2nd respondent or before this Court, it cannot be said that non-consideration of such material has prejudiced the petitioner. In absence of such pleadings establishing the relevancy of such material before this court, such non-consideration cannot be treated as fatal to the

proceedings. In the case on hand, although petitioner sought to place certain material on record, but failed to plead and establish the relevancy of such material before this Court. As such, no finding can be recorded holding that 2nd respondent failed to consider the material.

10. Pursuant to the directions of this Court, 2nd respondent had provided adequate opportunity to the petitioner and has also considered all the relevant material and accordingly, passed the order impugned in this Writ Petition, as such, violation of principles of natural justice cannot be attributed. That apart, the findings recorded by the disciplinary authority as well as 2nd respondent are basing on enquiry report and it is not the case of the petitioner that there was no evidence to support the findings recorded by the Enquiry Officer or that the findings were perverse. Hence, the jurisdiction of this Court to interfere with the punishments imposed by the disciplinary authority in the absence of any allegation that the findings of either Enquiry Officer, Disciplinary Authority or Appellate Authority are perverse and without any evidence.

11. The 2nd respondent, in the impugned order, discussed in detail about all the charges and the enquiry and also with regard to the opportunity provided to the petitioner to produce documents in his defence and also considered the conduct of the petitioner in raising objections only after conclusion of enquiry against the Chairman, after recording specific findings, upheld the order passed by the disciplinary authority.

12. In view of the foregoing reasons, this Court is of considered opinion that there is no illegality, irregularity or infirmity in the order passed by the 2nd respondent.

13. Accordingly, the Writ Petition fails and is dismissed. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE BALAJI MEDAMALLI

Date : 04.11.2026
BMS / SAK

Whether the order is:

Speaking	☑	Reasoned	☑
Reportable	☑	Non-reportable	

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 4619 OF 2023

Date: 04.11.2026

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