*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**
&
***THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR**

+WRIT PETITION No.36641 OF 2012

% 06.11.2026

#

1.SUB DIVISIONAL OFFICER, TELECOMMUNICATIOS 2 ORS., PALAKOL, WEST GODAVARI DISTRICT
2.THE GENERAL MANAGER, TELECOM DISTRICT, ELURU, WEST GODAVARI DISTRICT.
3.THE CHIEF GENERAL MANAGER, A.P. TELECOM, DOORSANCHAR BHAVAN, ABIDS, HYDERABAD

……Petitioners

And:

1. B. PETHURU ANO, S/O. LATE LOZAR AGED ABOUT 46 YEARS, OCC: REGULAR MAZDOOR (BSNL) 0/O. SUB-DIVISIONAL OFFICER, TELECOMMUNICATIONS, PALAKOL, WEST GODAVARI DISTRICT.

2. THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH, HYDERABAD REP. BY ITS REGISTRAR.

3. B SANTHA KUMARI, W/O.LATE B.PATHURU , AGED ABOUT 51 YEARS R/O.D.NO.22-1, CHINNA PETA, ACHANTA MANDALM, ACHANTA,WEST GODAVARI DISTRICT. RESPONDENT NO.3 WAS BROUGHT ON RECORD AS LR OF RESPONDENT NO.1 AS PER C.O.DT.6.4.2026 VIDE I.A.NO.1 OF 2026 IN W.P.NO.36641 OF 2012.

….Respondents.

!Counsel for the petitioners : Smt K. Aruna

Counsel for the 2nd respondent : -----

Counsel for the Respondent No.3 : Smt C. Rahda, learned counsel representing Sri Vadapalli Ramesh learned counsel for the 3rd respondent.

Gist:
>Head Note:
? Cases referred:

HIGH COURT OF ANDHRA PRADESH

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WRIT PETITION No.36641 OF 2012

DATE OF JUDGMENT PRONOUNCED: 06.11.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR

1. ***Whether Reporters of Local newspapers may be allowed to see the Judgments?*** ***Yes/No***

2. ***Whether the copies of judgment may be marked to Law Reporters/Journals*** ***Yes/No***

3. ***Whether Your Lordships wish to see the fair copy of the Judgment?*** ***Yes/No***

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RAVI NATH TILHARI, J

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ALAPATI GIRIDHAR,J

Date of reserved for orders : 25.09.2026
Date of pronouncement : 06.11.2026
Date of uploading : 06.11.2026

APHC010299612012

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3624]**
(Special Original Jurisdiction)

FRIDAY, THE 06TH DAY OF NOVEMBER, 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
&
THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT PETITION NO:36641 OF 2012

Between:

1. SUB DIVISIONAL OFFICER, TELECOMMUNICATIOS 2 ORS., PALAKOL, WEST GODAVARI DISTRICT
2. THE GENERAL MANAGER, TELECOM DISTRICT, ELURU, WEST GODAVARI DISTRICT.
3. THE CHIEF GENERAL MANAGER, A.P. TELECOM, DOORSANCHAR BHAVAN, ABIDS, HYDERABAD

...PETITIONER(S)

AND

1. B. PETHURU ANO, S/O. LATE LOZAR AGED ABOUT 46 YEARS, OCC: REGULAR MAZDOOR (BSNL) 0/O. SUB-DIVISIONAL OFFICER, TELECOMMUNICATIONS, PALAKOL, WEST GODAVARI DISTRICT.
2. THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH, HYDERABAD REP. BY ITS REGISTRAR.
3. B SANTHA KUMARI, W/O.LATE B.PATHURU , AGED ABOUT 51 YEARS R/O.D.NO.22-1, CHINNA PETA, ACHANTA MANDALM, ACHANTA,WEST GODAVARI DISTRICT. RESPONDENT NO.3 WAS BROUGHT ON RECORD AS LR OF RESPONDENT NO.1 AS PER C.O.DT.6.4.2026 VIDE I.A.NO.1 OF 2026 IN W.P.NO.36641 OF 2012.

...RESPONDENT(S):

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 any order, direction or writ particularly one in the nature of Writ of CERTIORARI under Article 226 of the Constitution of India to call for the

records from the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad relating to the order datedv13-07-2012 rendered in o.A.No.56 of 2012, quash and set aside the same declaring as illegal, arbitrary and without jurisdiction

IA NO: 1 OF 2012(WPMP 46516 OF 2012

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 the order of the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad dated 13.07.2012 passed in O.A.No.56/2012

IA NO: 1 OF 2013(WPMP 21573 OF 2013

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 one months time to comply with the orders dated 16-04-2013

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 may be pleased to permit the proposed respondent No.3 as party respondent No;3 as Legal Representative of Respondent No. 1 and to pass

Counsel for the Petitioner(S):

1. K ARUNA

Counsel for the Respondent(S):

1. A RAGHU KUMAR
2. VADAPALLI RAMESH

The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

The 1st respondent herein namely Sri B. Pethuru is the applicant in T.A.No.56 of 2012 (W.P.No.20903 of 2005) before the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (in short, the Tribunal). That Writ Petition No.20903 of 2005 was initially filed by the 1st respondent herein in the High Court for the following reliefs:

> "…….to issue order or orders direction or directions writ or writs more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not reinstating the petitioner into services on his acquittal in Crl. A. Nos.44 and 51 of 2000 dated 18.5.2004 is illegal arbitrary and against to the instructions of the

> Government of India Ministry of Home affairs O.M.No.F.43/57/64-AVDIII dated 29.11.1996 as amended by the Government of India CS (Department of Personal) O.M.No.371/3/74AVD III dated 19.9.1975 and the proviso under Rule 10 (4) of CCSCCA Rules as inserted by Notification dated 7.9.1981 and consequently direct the 1st respondent to reinstate the petitioner into services with back wages and consequential benefits and to pass such other order as are necessary in the interest of justice."

2. Later on Bharat Sanchar Nigam Limited (for short "BSNL") was brought within the purview of Administrative Tribunal Act, 1985 (for short, "the Act, 1985"). The writ petition was transferred to the Tribunal pursuant to the notification dated 31.10.2008 issued by the Government of India and there it was registered as T.A.No.56 of 2012.

3. The applicant (the 1st respondent) was working as regular Mazdoor at Valluru Telephone Exchange during the period 1992-98 and was involved in cable theft case on 20.07.1998 at Achanta. A complaint was lodged at the Station House Office, Achanta registered as Crime No.45 of 1998 under Section 379 IPC and a charge sheet in C.C.No.44 of 1998 before the Special Judicial Magistrate of Second Class, Palakol was registered. The applicant was arrested on 04.11.1998. After the regular trial, he was convicted and a punishment of Rigorous Imprisonment for a period of one year was imposed.

4. The departmental enquiry was initiated in which the applicant was given the opportunity to explain with regard to the charges. He appeared before the enquiry officer and informed that though he was convicted but he had filed an appeal against the order of conviction, which was pending at that time.

5. However, the respondents (the present writ petitioners) vide order dated 17.02.2001 under Rule 19 of CCS (CCA) Rules, 1965 imposed the penalty of dismissal from service on the ground of the applicant's conviction, not being satisfied with the applicant's explanation, vide proceedings/order No.X/Disc/BP/51, dated 03.03.2001 with effect from 03.03.2001.

6. The Criminal Appeal No.51 of 2000 filed by the applicant against the order of conviction was allowed on 18.05.2004 by the Court of VI Additional District and Sessions Judge, Fast Track Court, Narsapur. The conviction was set aside.

7. Consequently, the Writ Petition No.20903 of 2005 was filed for a direction to the respondents therein to reinstate the applicant into service with all consequential benefits, which as mentioned above was transferred to the Tribunal.

8. The learned Tribunal, on consideration of the submissions advanced allowed the T.A.No.56 of 2012 by order dated 13.07.2012 in the following terms:-

> "6. It is submitted that the respondent states that he made a representation to the department on 08-06-2004. As per the office records, no such representation is received by the department
>
> 7. It is submitted that the respondent filed W.P.No.20903/2005 before the Hon'ble High Court with the following prayer:
>
> > "To issue order or orders, direction or directions writ or writs more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not reinstating the petitioner into services on his acquittal in Crl.A.No.44 and 51 of 2000, dated 18-5-

2004 is illegal, arbitrary and against to the instructions of the Government of India Ministry of Home affairs, O.M. No.F.43/57/64-AVD(III) dated 29-11-1996 as amended by the Government of India CS(Department of Personal) O.M. No. 371/3/74-AVD (III) dated 19-9-1975 and the proviso under Rule 10 (4) of CCS(CCA) Rules as inserted by Notification dated 7-9-1981 and consequently direct the 1st respondent to reinstate the petitioner into services with back wages and consequential benefits and to pass such other order as are necessary in the interest of justice.

8. Subsequently for want of jurisdiction, the Writ Petition is transferred to Hon'ble Central Administrative Tribunal and the same is numbered as T.A.No.56/2012. The Hon'ble Tribunal by an order dated 13-07-2012 was pleased to allow the T.A.No.56/2012 and the following relief is granted to the respondent.

> "In the facts and circumstances of the case, we are of the view that the applicant shall be reinstated and the period from the date of removal till the date of setting aside the conviction i.e 18.05.2004, shall be treated as "dies-non". The applicant shall be entitled for back-wages from the date of setting aside of the conviction by the competent authority."

9. The Tribunal, thus, set aside the dismissal order and as regards the payment of back wages for the period from the date of removal till the date of setting aside the conviction, it was directed to be treated as "dies-non". The applicant was held entitled for reinstatement and for the back wages from the date of setting aside of the conviction order by the competent Court.

10. Challenging the order of the Tribunal, the present W.P.No.36641 of 2012 was filed by the B.S.N.L and its authorities.

11. The 1st respondent/applicant died during the pendency of the present writ petition. The 3rd respondent (widow) is the legal representative and was brought on record, by order dated 06.04.2026, passed in I.A.No.1 of 2026.

12. The learned counsel for the petitioners submitted that the applicant was reinstated on 19.02.2013 pursuant to the order of the Tribunal.

13. Learned counsel for the petitioners further submitted that so far as the back wages are concerned, the applicant was not entitled for back wages as the question of back wages would be considered only if the petitioners had taken the action by way of disciplinary proceedings and that action was found to be unsustainable in law. In such a case it could be said that the applicant was unlawfully prevented from discharging the duties by the petitioners. Reliance was placed in **Ranchhodji Chaturji Thakore vs. The Superintendent Engineer, Gujarat Electricity Board, Himmatnagar (Gujarat) and another in Civil Appellate Jurisdiction: Special Leave Petition (C) No.22538 of 1996 order dated 28.10.1996.**

14. Learned counsel for the 3rd respondent submitted that there is no illegality in the order of the Tribunal. The applicant was convicted but the appeal was allowed and the conviction was set aside. Consequently, the applicant was entitled for reinstatement. The very basis of the order of dismissal was the conviction. The applicant was entitled for the back wages, which has been rightly allowed by the Tribunal.

15. We have considered the aforesaid submissions and perused the material on record.

16. The facts are not in dispute. The applicant was convicted in a criminal case. In the departmental enquiry by order dated 03.03.2001, the applicant was dismissed from service simply on the ground that the conduct of the applicant was such which had led to his conviction and rendered his further retention in the public service undesirable. The conviction was set aside in Crl.A.No.51 of 2000 vide judgment dated 18.05.2004. On such conviction being set aside, we are of the view that the Tribunal has rightly directed for reinstatement after setting aside the order of dismissal, which was based solely on the order of conviction. The 1st respondent-applicant has already been reinstated in service.

17. So far as the back wages are concerned, the Tribunal has provided that the period from the date of dismissal, till the conviction order was set aside i.e 18.05.2004, shall be treated as “dies-non”. There is no illegality, in that regard. For the said period the applicant shall not be entitled for back wages which has also not been allowed by the Tribunal.

18. However, after the appeal against the order of conviction was allowed, the applicant was even then not allowed to discharge the duties. Consequently, it was the present writ petitioners who deprived the applicant illegally of discharging his duties with effect from the date of setting aside of his conviction in appeal. The petitioners ought to have immediately reinstated the applicant

and ought to have revoked the order of the dismissal. In not doing so and in not allowing the applicant to join duties, the petitioners are at fault. Consequently, the back wages from the date of setting aside the conviction order, till the date of reinstatement has rightly been directed by the Tribunal.

19. In **Ranchhodji Chaturji Thakore** (supra), the facts were that the petitioner therein was convicted for the offences under Section 302 read with Section 34 IPC and was sentenced to undergo imprisonment for life and based thereon he was dismissed from service by the Electricity Board. The dismissal order was challenged and pending the disposal of the petition under Article 226 of the Constitution of India, the petitioner therein was acquitted on 14.10.1992. In view thereof in the writ petition, the learned single Judge directed the reinstatement into service with continuity of service but denied the back wages. His Letters Patent Appeal was also dismissed by the Division Bench. The only question before the Hon'ble Apex Court was as to whether the employee was entitled to back wages. The Hon'ble Apex Court held that the question of back wages would be considered only if the department had taken the action by way of disciplinary proceedings and the action was found to be unsustainable in law and he was unlawfully prevented from discharging the duties. It was further held that since the petitioner therein had involved himself in a crime, though he was later acquitted, he had disabled himself from rendering the service on account of conviction and incarceration in jail. Under those circumstances, the petitioner

was not entitled to payment of back wages. The Hon'ble Apex Court however further held that each case requires to be considered in its own backdrops.

20. In **Ranchhodji Chaturji Thakore** (supra), it was held as under:

> "This case does not warrant interference for the reason that, admittedly, the petitioner was charged for an offence under Section 302 read with 34 IPC for his involvement in a crime committed on October 1, 1986. The Sessions Judge had convicted the petitioner under Section 302 read with 34 IPC and sentenced him to undergo imprisonment for life. On that basic the respondents had taken action to have him dismissed from service since he was working as Junior Clerk in the respondent-Electricity Board. The petitioner challenged the validity of the dismissal order by way of a special civil application filed under Article 226 of the Constitution. Pending disposal, the Division Bench of the High Court by its judgment dated October 14,1992 acquitted him of the offence. Consequently, while disposing of the writ petition, the learned single judge directed the respondent to reinstate him into the service with continuity of the service, but denied back wages. The petitioner then filed letters Patent Appeal No.319/93 which was dismissed by the impugned order dated August 26,1993. Thus, this special leave petition.
>
> The reinstatement of the petitioner into the service has already been ordered by the High Court. The only question is: whether he is entitled to back wages? It was his conduct of involving himself in the crime that was taken into account for his not being in service of the respondent. Consequent upon his acquittal, he is entitled to reinstatement for the reason that his service was terminated on the basic of the conviction by operation of proviso to the statutory rules applicable the situation. The question of back wages would be considered only if the respondents have taken action by way of disciplinary proceeding and the action was found to be unsustainable in law and he was unlawfully prevented from discharging the duties. In that context, his conduct becomes relevant, Each case requires to be considered in his own backdrops. In this case, since the petitioner had involved himself in a crime, though he was later acquitted, he had disabled himself from rendering the service on account of conviction and incarceration in jail. Under these circumstances, the petitioner is not entitled to payment of back wages. The learned single judge and the Division Bench have not committed any error of law warranting interference.
>
> The special leave petition is accordingly dismissed".

21. We are of the view that certainly for the period the applicant (respondent No.1) was under conviction and sentence he would not be entitled for the back wages for that period in such a case it cannot be said that the applicant-

respondent No.1 was deprived of his working by B.S.N.L. But, after his acquittal and appeal being allowed he was entitled for reinstatement and for the back wages from the date of reinstatement, which reinstatement should have been immediately ordered, as his dismissal in the departmental proceedings was based solely on conviction. In not doing so, the applicant was deprived of discharging his duties by the B.S.N.L. Consequently, we are of the view that from the date of his acquittal, the applicant has been rightly allowed the back wages under the order of the Tribunal from the date mentioned therein.

22. We find no illegality in the order of the Tribunal.

23. The writ petition lacks merits and is dismissed.

24. The petitioners shall implement the order of the Tribunal in letter and spirit by calculating the back wages in terms of the order of the Tribunal and shall pay the same to the 3rd respondent (the widow of the 1st respondent/applicant) in her bank account within a period of four weeks from today.

25. The petitioners shall submit the report of compliance to this Court through Registrar (Judicial) of this Court which shall be placed on record and for perusal of the compliance report, only, the matter will be listed on 10.12.2026.

No order as to costs.

Consequently, the miscellaneous applications, if any pending, shall stand closed.

RAVI NATH TILHARI, J

ALAPATI GIRIDHAR, J

Dt:06.11.2026

Note:

L.R copy to be marked.

B/o.

Gk

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT PETITION No:36641OF 2012

06.11.2026

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