

# K.Janardhan vs The Commandant-iii And 2 Others on 21 May, 2026

IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION NO.10375 OF 2021

DATED : 21.05.2026

Between:

K.Janardhan

... Petitioner

AND

The Commandant-III, Director General,  
TS SPF, Headquarters, Ranigunj,  
Secunderabad, Hyderabad and others

... Respondents

ORDER

In this Writ Petition, the petitioner is seeking a Writ particularly a Writ of Certiorari to call for the records relating to the impugned proceedings Rc.No.TS SPF/A3/22/2017 O.o.No.A-531/2017 dt.11.08.201 of the 1st respondent, the consequential appeal rejection orders issued vide proceedings Rc.No.TS SPF/A3/PR/22/2017 O.o.A- 618/2017 dt.27.10.2017 of the 2nd respondent and the revision rejection orders in Memo No.227(P)/SER.III/A1/2020 dt.10.9.2020 of the 3rd respondent and declare them as illegal and arbitrary and consequently to set aside the same and to declare the entire procedure adopted by the respondents for imposition of major penalty of removal from service as well as rejecting appeal and revision petition of the petitioner as contrary to judicial pronouncements and to direct the the petitioner to be reinstated into service with all consequential benefits and to pass such other order or orders.

2. Brief facts leading to the filing of this Writ Petition are that the petitioner was appointed as a Constable by way of direct recruitment in the year 2001. His services were regularised and his probation was also declared satisfactorily. While he was working at TS SPF, TS GENCO, Srisailam, he went on medical leave due to severe back pain with effect from 24.08.2016 to 13.09.2016 afternoon on the basis of the advice of the Civil Assistant Surgeon, NSRS Hospital, Srisailam Dam East. It is submitted that the petitioner proceeded to his native place at Gadwal on medical leave and the concerned doctors at Gadwal advised him to take complete bed rest and therefore, the petitioner sought to extend the leave up to 01.03.2017. It is submitted that vide proceedings dt.07.03.2017, the 1st respondent placed the petitioner under suspension and subsequently he was reinstated into service by revoking his suspension vide orders dt.18.07.2017 of the 2nd respondent and was directed

to report before the 1st respondent. Consequent on reporting for duty on 20.07.2017, the 2nd respondent issued posting orders dt.22.07.2017. It is stated that on 20.04.2017, the petitioner was required to appear before the enquiry officer and the enquiry officer, except receiving the written statement, did not conduct any enquiry in terms of Rule 20 of CCA Rules, but he submitted his report holding that the charges levelled against the petitioner as proved and on the basis of the said report, the 2nd respondent issued final show-cause notice dt.24.07.2017 calling for the petitioner's explanation and thereafter, imposed the punishment of removal from service. It is submitted that on 23.10.2017, the petitioner filed statutory appeal before the 2nd respondent who passed orders on 27.10.2017 rejecting the appeal by taking note of the earlier punishments imposed on the petitioner which are unconnected with the present issue. Aggrieved by the same, the petitioner preferred revision before the 3rd respondent who rejected the same on 10.09.2020 by observing that it was not feasible for consideration as per the existing rules. Challenging the same, the present Writ Petition is filed.

3. Learned counsel or the petitioner submitted that the charge levelled against the petitioner is for overstay on leave and on receipt of the charge memo, the petitioner submitted his detailed explanation by enclosing all relevant medical prescriptions. It is submitted that the application of the petitioner for extension of leave is also acknowledged by the concerned authorities. Without considering the same in proper perspective, the impugned order of removal from service, which is a major punishment, was passed and the appeal and revision were also dismissed. It is submitted that the petitioner is having 14 years of remaining service and he has rendered more than 16 years of service in the respondent organisation and he has two children and old aged mother and the petitioner is suffering due to the impugned orders and is therefore seeking reinstatement into service with all consequential benefits.

4. Learned counsel for the petitioner reiterated the submissions made in the writ affidavit, while the learned Standing Counsel appearing for the respondents has relied upon the averments made in the counter affidavit.

5. In the counter affidavit, it is stated that the petitioner was a habitual absentee from duties and was in the habit of overstaying on leave on one pretext or the other. It is stated that (i) he overstayed on leave with effect from 03.07.2011 to 09.01.2012 (192) days for which he was awarded with punishment of withholding of increment of pay for a period of two years; (ii) he was unauthorisedly absent from 18.07.2013 to 26.01.2014 (192 days) for which he was awarded with the punishment of withholding of increment of pay for a period of one year; and (iii) he was unauthorisedly absent from 15.09.2014 to 02.03.2016 (167 days) for which he was awarded with the punishment of withholding of increment of pay for a period of one year and he was also awarded with punishment of censure for his absence from duty. It is submitted that on verification of the petitioner service from the year 2011 till the date of his removal from service, out of 6 years, he was on duty only for a period of 1 year and 4 months and for the remaining period he was either absent from duties or overstayed on leave and therefore, the petitioner has been rightly removed from service. As regards the reasons for overstaying, it is submitted that the petitioner has not explained/justified for remaining unauthorisedly absent for such a long period. It is submitted that though the petitioner has received several punishments, he has not rectified his conduct and continued to follow the same

trend of overstaying on leave and absenting without leave, which is a gross misconduct and unbecoming of a Government Servant, which cannot be entertained in a disciplined armed force like Special Protection Force and therefore, the Writ Petition is without any merit and is liable to be dismissed.

6. Having regard to the rival contentions and the material on record, this Court finds that the respondents have issued memorandum of charge on 20.04.2017 with only one charge, that "the petitioner has overstayed on leave from 13.09.2016 to 01.03.2017 without any intimation to his superior authorities and therefore, he exhibited gross negligence and dereliction towards his legitimate duties, which is unbecoming of a Government Servant". From the enquiry report of the enquiry officer, it is noticed that there was no Presenting Officer appointed nor was any Defence Assistant engaged and though the charge memo refers to a prosecution witness as Inspector, TS SPF, TS GENCO, Srisailam, there was a defence witness present and his statement has been recorded. The enquiry report also refers to the documents received through post from the charged officer for extension of medical leave and that 3 memos were sent through post regarding improper procedure being adopted for extension of medical leave and to follow the correct procedure and that the said notices were returned stating that 'party refused, hence returned'. Therefore, the contention of the petitioner was not accepted and the charge against the petitioner was held as proved and the impugned punishment has been imposed.

7. This Court finds that though the charge memo did not refer to the earlier period of absence or overstaying on leave, the disciplinary authority has relied upon the said period of absence for awarding the punishment of removal from service. This clearly is not sustainable. The respondents ought to have included the earlier periods of absence also in the charge memo if they intended to impose the punishment for the said period of absence too. Having failed to raise the said charges in the charge memo, they cannot make it as the basis for removal of the petitioner from service. In the show-cause notice issued on 24.07.2017 also, there is no reference to the earlier periods of absence. Therefore, the reliance on the earlier periods of absence by the disciplinary authority for passing the impugned order for removal from service is clearly unsustainable, particularly since the unauthorised absence of earlier periods has already been considered and has resulted in punishments which have become final. It is settled legal position that a person cannot be punished twice for the same offence.

8. Therefore, the impugned order of removal from service dt.11.08.2017 and the subsequent orders of confirmation in the appeal dt.27.10.201 and in the revision dt.10.09.2020 are all set aside and the petitioner shall be reinstated into service with all consequential benefits. The respondents shall be at liberty to conduct enquiry under Rule 20 of the Telangana Civil Services (Classification, Control and Appeal) Rules, 1991 and thereafter pass orders in accordance with law.

9. The Writ Petition is accordingly allowed. No order as to costs.

10. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

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JUSTICE T. MADHAVI DEVI Date: 21.05.2026 Svv