IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE THE CHIEF SRI JUSTICE APARESH KUMAR SINGH

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 1345 OF 2025

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the order dated 14/10/2025 in W.P.No. 2015 of 2020 on the file of the High Court.

Between:

G. RAJENDERA KUMAR, S/o G. Janardhan Murthy, Aged about 62 years, Statistical Officer (AEO), Office of the Chief Executive Officer, TSDPS, Gannaka Bhavan, Khairtabad Hyderabad, R/o H. No. 1-5-67 and 68, Flat No. 105, Markaz Apartments, Musheerabad, Hyderabad-500 029 (T.S.).

...APPELLANT

AND

1. State of Telangana, Represented by its Principal Secretary to Govt., Planning Department, Telangana Secretariat, Hyderabad-500 022.
2. The Director, Directorate of Economics and Statistics,, Gannaka Bhavan, Government of Telangana, Khairtabad, Hyderabad - 500 001.

...RESPONDENTS

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 suspend the operation of order dt.14.10.2025 passed in W.P.No.2015 of 2020 to the extent of remanding the matter to the Disciplinary Authority i.e. the Respondent No. 2 thereby directing the respondents to forthwith pay provisional pension to the petitioner pending disposal of Writ Appeal.

Counsel for the Appellant:SRI. P. S. RAJASEKHAR

Counsel for the Respondents: SRI S. SUMAN, GP FOR SERVICES III

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.1345 of 2025

Dated: 06.01.2026

Between:

G.Rajendra Kumar

...Appellant

and

State of Telangana,
Represented by its Principal Secretary to Govt.,
Planning Department,
Telangana Secretariat, Hyderabad – 500 022,
and another.

...Respondents

JUDGMENT:

Learned counsel Sri P.S.Rajasekhar appears for the appellant.

Sri S.Suman, learned Government Pleader for Services – III, appears for the respondents.

2. Heard the learned counsel for the parties.

3. For the charges of furnishing different dates of birth to different authorities and failure to comply with the orders of superior authorities when directed to submit the relevant original documents in support of his actual date of birth at the time of entry in service on 01.02.1989 as Statistician in the office of the Mandal Revenue Officer, Peddakotapally, the appellant was proceeded against departmentally vide charge memo dated 31.07.2019. The appellant filed W.P.No.18527 of 2019 alleging that his representation was not considered. The said writ petition was disposed of on 27.08.2019 granting liberty to the appellant to file written statement of his defence in response to the charge memo dated 31.07.2019 and till a decision was made on due consideration of the written statement of defence, the appointment of Inquiring Officer was kept in abeyance. Thereafter, the proceedings ended up in penalty of dismissal of the appellant from Government Service by order dated 27.01.2020, which was challenged in W.P.No.2015 of 2020. The order of dismissal was set aside on 07.07.2023 with a direction to the respondents to process the pension papers of the appellant and release the retirement benefits including pension and all consequential benefits within six weeks. In the writ appeal preferred by the respondents i.e., W.A.No.956 of 2023, the learned Division Bench of this Court by

judgment dated 29.09.2023, after taking note of the submissions of the parties, while setting aside the order dated 07.07.2023 remanded the matter to the learned writ court to examine as to whether the order of dismissal was passed as per CCA Rules. After remand, the learned writ court, by the order impugned herein, dated 14.10.2025, set aside the order of dismissal dated 27.01.2020 and remanded the matter to the disciplinary authority to verify and decide whether the documents sought for by the appellant were necessary and relevant to put forth his defence effectively. If respondent No.2 opines affirmatively, he shall supply copies of the same to the appellant, give sufficient time to submit his defence to the charges and then proceed as per law and if respondent No.2 opines that they are not relevant documents, he shall pass an order to that effect and proceed as per law. This has aggrieved the appellant to prefer the present appeal.

4. Learned counsel for the appellant has drawn the attention of this Court to G.O.Ms.No.165, dated 21.04.1984, which is on the subject of recording and alteration of date of birth. According to the appellant, once the date of birth is entered in the service record after following the procedure prescribed under Rule 2(3) of the Andhra Pradesh Public Employment (Recording and Alteration of Date of Birth) Rules, 1984,

which shall be final and binding, the Government employee shall be stopped from disputing the correctness of such date of birth. Rule 5 of the said Rules, however, provides that the date of birth as determined and entered in the service record shall not be altered except in the case of *bona fide* clerical error under the orders of Government. Based on these Rules, which were challenged by way of an amendment in the writ petition after remand, it is contended that the learned writ court failed to examine the issue whether the initiation of departmental proceedings were contrary to G.O.Ms.No.165, dated 21.04.1984, taking a cue from the observations made at paragraph 6 of the judgment passed in the writ appeal. The appellant is subjected to the proceedings for alleged acts of furnishing different dates of birth to different authorities after 30 years of entering the same in the service record. Though there is an infraction of the Rules provided under G.O.Ms.No.165, dated 21.04.1984, the learned writ court failed to make any observations on this issue canvassed by the appellant. As a result, the disciplinary proceedings continued even five years after the retirement of the appellant. Therefore, learned counsel for the appellant has prayed that the impugned order may be set aside and the issue whether the order of dismissal was contrary to G.O.Ms.No.165, dated 21.04.1984 be decided.

5. Learned Government Pleader appearing for the respondents has defended the impugned order.

6. We have considered the submissions of the learned counsel for the parties.

7. We are of the view that the issue now being raised by the appellant on the basis of G.O.Ms.No.165, dated 21.04.1984, should not be commented upon when the appellant has faced the departmental proceedings and earlier failed to lay any challenge to the initiation of departmental proceedings vide charge memo dated 31.07.2019. The charges are in fact on alleged acts of furnishing different dates of birth to different authorities as a result of which the appellant's date of birth was recorded as 17.12.1962 instead of 17.09.1959. The provisions of G.O.Ms.No.165, dated 21.04.1984, do not save the acts which may be questioned as fraudulent or misrepresentation. The provisions of G.O.Ms.No.165, dated 21.04.1984, conceive of entry of date of birth in the service records either on the basis of declaration made by the Government employee or upon consideration of such evidence as may be available after giving an opportunity of making representation to the Government employee concerned within six months from the date on which the Government employee joins service. Since the disciplinary

proceedings have been initiated on the charges of alleged furnishing of different dates of birth to different authorities, the issue revolves round determination of a question of fact or alleged fraudulent act which the disciplinary proceedings can determine.

8. In the facts of the case, on a plea raised by the appellant that relevant documents were not being supplied in the enquiry proceedings, the order of dismissal has been set aside upon remand by the learned writ court in the manner indicated at paragraph 9 of the impugned order which is referred to hereinabove as well. The learned writ court, therefore, rightly refrained from entering into the issue of correctness of initiation of departmental enquiry in the light of the provisions contained in G.O.Ms.No.165, dated 21.04.1984, and more over bound by the operation portion of the judgment dated 29.09.2023 at paragraph 7 passed by the learned Division Bench in W.A.No.956 of 2023.

9. We, therefore, do not find any ground to interfere in the directions of the learned writ court. However, we are of the opinion that since the departmental proceedings have been pending for the last five years, though on account of litigations pursued, but it should be brought to an end within a reasonable time. As such the disciplinary authority would endeavour to conclude the disciplinary proceedings in the light of

the directions passed by the learned writ court in accordance with law within a reasonable period, preferably, within three months from the date of receipt of a copy of this judgment. Needless to say, the appellant would be at liberty to raise all grounds of law and fact, if aggrieved by the final order passed in the disciplinary proceedings in an appropriate proceeding.

10. The writ appeal is accordingly disposed of with the aforesaid observations. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-N.SRIHARI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to Govt., Planning Department, State of Telangana, Telangana Secretariat, Hyderabad-500 022.
2. The Director, Directorate of Economics and Statistics,, Gannaka Bhavan, Government of Telangana, Khairtabad, Hyderabad - 500 001.
3. One CC to SRI. P .S. RAJASEKHAR, Advocate [OPUC]
4. Two CCs to GP FOR SERVICES III ,High Court for the State of Telangana at Hyderabad . [OUT]
5. Two CD Copies

DAN
PMK

HIGH COURT

DATED:06/01/2026

JUDGMENT

WA.No.1345 of 2025

HIGH COURT FOR THE STATE OF TELANGANA
16 FEB 2026
★ DESPATCHED ★

DISPOSING THE WRIT APPEAL
WITHOUT COSTS

SMT
2/2/26