

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 1493 OF 2025

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the order Dated 04-07-2025 in W.P.No3150 of 2016 on the file of the High Court.

Between:

S.Krishna Murthy, (CRPF Force No.055141662) S/o. Srinivasulu, Aged about 45 years, Occ Ex-CRPF Constable/General Duty, R/o.Nagawaram village, Vanaparathi Mandal, Mahabubnagar District.

...APPELLANT

AND

1. The Union of India, Ministry of Home Affairs, MHA, Rep. by its Secretary, North Block, New Delhi-110001
2. The Inspector General Central Reserve Police Force, C/o.56 APO.
3. The Deputy Inspector General, Central Reserve police Force, Srinagar (J andK), C/o.56 APO.
4. The Commandant, 181 Battalion CRPF, C/o.56 APO
5. The Commandant, 178 Battalion CRPF, C/o.56 APO

...RESPONDENTS

Counsel for the Appellant: SRI. VADLAKONDA RAVI KUMAR REDDY

**Counsel for the Respondents : N BHUJANGA RAO, DEPUTY SOLICITOR
GENERAL OF INDIA**

The Court made the following: ORDER

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.1493 of 2025

Dated:29.12.2025

Between:

S.Krishna Murthy

...Appellant

and

The Union of India,
Ministry of Home Affairs, MHA,
Rep. by its Secretary,
North Block, New Delhi – 110001,
and 4 others.

...Respondents

JUDGMENT:

Learned counsel Sri Vadlakonda Ravi Kumar Reddy appears for
the appellant.

Sri N.Bhujanga Rao, learned Deputy Solicitor General of India,
appears for the respondents.

2. Heard the learned counsel for the parties.
3. The learned writ court, by order dated 04.07.2025, has dismissed W.P.No.3150 of 2016 seeking to quash the order of removal of the appellant, who was the writ petitioner, from service dated 17.11.2011 and the order passed in appeal dated 04.06.2013 as also the revisional order dated 30.11.2013 passed by the Inspector General of Police, Srinagar Sector. The removal from service for unauthorised absence for 452 days on the part of the appellant who was serving under the Central Reserve Police Force (CRPF) of 181 Battalion under respondent No.4 was found to be proved after an *ex parte* departmental enquiry and confirmed in appeal and revision.
4. The appellant was proceeded for two articles of charges, which are as follows:

“ARTICLE-I

No.055141662 Constable/General Duty S.Krishna Murthy of F/181 Battalion while working as a member of the Force has disobeyed the orders of his senior and committed misconduct under Act 11(1) of CRPF Act 1949 and remained absent w.e.f 20-08-2010 without any lawful authority or permission from the competent authority.

ARTICLE-II

That No.055141662 Constable/General Duty S.Krishna Murthy of F/181 Battalion while working as a member of the

force under CRPF Act 11(1) of 1949 has committed the offence of misconduct and not obeyed the orders of the competent authority, he has not reported for duty in spite of direction issued to him vide Office Commanding Letter No.L.II-2/2010-F/181 dated 03-09-2010, 18-09-2010, 25-09-2010 & 07-10-2010 but he did not do so and continue to be absent from his duty without any permission of the Competent authority.”

5. As per the chronology of dates and events, the appellant, after completion of 45 days of Earned Leave, allegedly, rejoined the duty on 15.07.2010. On the next day i.e., 16.07.2010 while the convoy of CRPF Truck was proceeding towards Srinagar, Jammu and Kashmir, it was allegedly attacked by locals protesting the armed forces deployed in Jammu and Kashmir by pelting stones in which the appellant also suffered injuries. He was treated at the Unit Hospital of the 178 Battalion Headquarters for two days and kept under observation. Thereafter, appellant was sanctioned 30 days Earned Leave on 19.07.2010. However, upon expiry of the sanctioned leave from 20.08.2010, the appellant failed to report back to duty resulting in overstay of leave of 452 days without permission. In view of his continued unauthorised absence, the Officer Commanding F/181 Battalion, vide letter dated 20.10.2010, lodged a complaint under Section 10(M) of the Central Reserve Police Force Act, 1949. Pursuant thereto, a Warrant of Arrest dated 08.11.2010 was issued and sent to the Senior Superintendent of Police, District-Mahaboobnagar, Andhra

Pradesh. Despite issuance of warrant, the appellant neither reported back for duty nor could be apprehended by Civil Police. Consequently, as per the existing instruction, a Court of Inquiry was ordered vide letter dated 09.12.2010. Based on the findings of the Court of Inquiry, the appellant was declared as "DESERTER" from Force with effect from 20.08.2010 vide Office Order dated 04.05.2012. The departmental enquiry initiated under Section 11(1) of the Central Reserve Police Force Act, 1949, for the above charges on 13.06.2011 ended up in removal of the appellant from service by the order dated 17.11.2011.

6. During the course of submissions, learned counsel for the appellant repeatedly harped that there is no service of notice upon the appellant. However, there is no specific denial of such statement on behalf of the appellant even in the reply to the additional counter affidavit filed by the respondents. The order of disciplinary authority, on the other hand, takes into account the findings recorded under both articles of charges for continued unauthorised absence of 452 days. Moreover, the Medical Certificate produced by the appellant for treatment between 23.07.2010 and 04.09.2010 as an outpatient, on enquiry, was found to be fake and the signature of the doctor was not genuine as per the letter of the Principal, Professor & Head of the

Department of Oral & Maxillofacial Surgery, SVS Institute of Dental Sciences, Mahabubnagar, which is at page No.86 of the appeal.

7. There is a categorical statement in the additional counter affidavit also before the learned writ court that respondent No.4 had addressed letters by registered post with acknowledgement due to the appellant's residential address furnished by him while joining the CRPF service at every stage of departmental enquiry. Despite the same, the appellant deliberately avoided to acknowledge receipt of letters. The respondents contended that as per Appendix-III of Establishment Manual, 1976 of CRPF, the period of retention of files maintained in the CRPF is five years only and therefore the correspondence files/registers of concerned years were weeded out by respondent No.4 during the year 2018.

8. On being specifically asked, learned counsel for the appellant has referred to the letter dated 29.12.2012 at page No.43 of the appeal, which is an application of the appellant for joining the duties delayed due to ill-health. The appellant has taken a plea that he was not attending the duties from 20.08.2010 due to ill-health as he was suffering from dental problem. This application is post the outcome of the departmental enquiry in which the appellant failed to appear despite notice through registered post and acknowledgement due.

9. The learned writ court considered the case of the parties and came to the conclusion that the conduct of the appellant is in violation of the departmental rules without any plausible explanation for not reporting back to duties as directed. Even the certificate of medical treatment was found to be fake after due verification. Therefore, in the light of the judgment rendered in **Ex Sepoy Madan Prasad v. Union of India**¹, the learned writ court dismissed the writ petition as without merits or reasons.

10. On consideration of the rival submissions of parties, we do not find any error in the impugned judgment and the writ appeal is accordingly dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

¹ 2023 INSC 656: (2023) 9 SCC 100

SD/-N. SRIHARI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. VADLAKONDA RAVI KUMAR REDDY, Advocate [OPUC]
2. One CC to SRI. N BHUJANGA RAO, SC for Deputy Solicitor General of India [OPUC]
3. Two CD Copies
DAN

BS

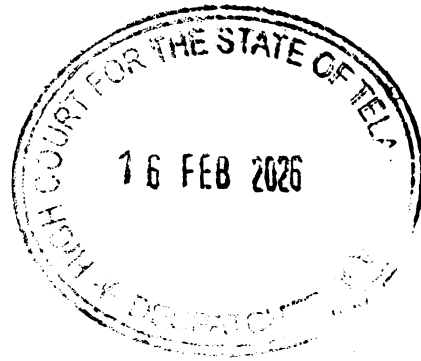
pmc.

HIGH COURT

DATED:29/12/2025

JUDGMENT

WA.No.1493 of 2025



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

⑤ pma.
10/2/26.