

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 4020 OF 2026

Between:

M.B.S.Sai, S/o. M.S.R.P.S.Sharma, age 58 years, Occ: Depot Superintendent (Group-C), O/o. Joint Director, Govt. Medical Stores Depot, Hyderabad. R/o. H.No. 8F, GPRA Quarters, Indra Nagar, Gachibowli, Hyderabad.

...PETITIONER

AND

1. Union of India, rept. by its Secretary, Ministry of Health and Family Welfare Department, Government of India, Nirman Bhavan, New Delhi.
2. The Joint Director, Government Medical Stores Depot, Ministry of Health and Family Welfare Behind ESI Hospital, S.R. Nagar, Hyderabad.

...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 or Order or Direction more particular one in the nature of Writ of CERTIORARI calling for the Impugned PART II DEPOT ORDER No.135, dt 23.10.2021, No.Est/MBSS/2022-23/4569, dt 24.6.2022 and Circular Dated 2.11.2020 and consequential judgment of the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad in O.A.No. 02/581/2022, dt 16.10.2025 rejecting the representation of the petitioner dt 27.10.2020, wherein the 2nd respondent has violated the instructions issued by the Ministry and treating the lock down period and 50 % Staff to work from home during COVID 19 as Earned Leave and the same is illegal, arbitrary, unconstitutional and violative of principles of natural justice and violative of Articles 14, 16 and 21 of the Constitution of India and set aside the same and consequently direct the respondents to treat 152 days as on duty/work from home, by taking into consideration the representation dt

27.10.2020 submitted by the petitioner stating that he may be permitted to attend office on alternate days or with the 50% Attendance as per the DOPT Order No. F.No. 11013/9/2014-Estt, dt 7.10.2020, on the principles of established norms, procedure and justice in the interest of justice.

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 direct the respondents not to deduct the 152 days absence, from Earned Leaves, by suspending the Impugned PART II DEPOT ORDER No. 135, dt 23.10.2021, No. Est/MBSS/2022- 23/4569, dt 24.6.2022 and Circular Dated 2.11.2020 and consequential judgment of the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad in O.A.No. 02/581/2022, dt 16.10.2025 in the interest of justice pending disposal of main writ petition.

Counsel for the Petitioner: SRI M.BHARAT SHAH

**Counsel for the Respondent No.1: SRI 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 Petition No.4020 of 2026

Dated: 11.02.2026

Between:

M.B.S.Sai

...Petitioner

and

**Union of India, rep. by its Secretary
Ministry of Health and
Family Welfare Department
Government of India,
Nirman Bhavan, New Delhi and another.**

...Respondents

Order:

Heard Mr. M.Bharat Shah, learned counsel for the petitioner and Mr. N.Bhujanga Rao, learned Deputy Solicitor General of India (DSGI) appearing for respondent No.1- Union of India.

2. The period of absence of petitioner for 155 days, without any application for leave, was treated as Extra Ordinary Leave (EOL) by the employer, which aggrieved the petitioner to approach the learned Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'CAT') in O.A.No.021/581/2022. Learned CAT did not find favour with the plea of the petitioner (applicant) as there was no violation of any instructions by the respondents and the petitioner had not made any application for leave during the period of his absence. Learned CAT felt that the respondents have shown humanitarian

approach and taken a lenient view and regularized his absence under EL category of his leave account as due and admissible following the OM dated 07.06.2021.

3. Learned counsel for the petitioner submits that if an opportunity is allowed to the petitioner to make a representation for converting the period of his absence treated as EOL to leave otherwise admissible under any other heads, the grievance of the petitioner would be met.

4. Learned DSGI submits that if such a representation is made by the petitioner, it would be considered by the respondents-authorities in accordance with law.

5. In the light of the aforesaid facts and circumstances, petitioner is granted liberty to make a representation before the respondents-authorities for treating his period of absence as any other admissible leave. If such a representation is made, the respondents-authorities would consider it in accordance with law within a reasonable time.

6. The instant Writ Petition is, accordingly, disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

**SD/- P. PONNA KRISHNA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

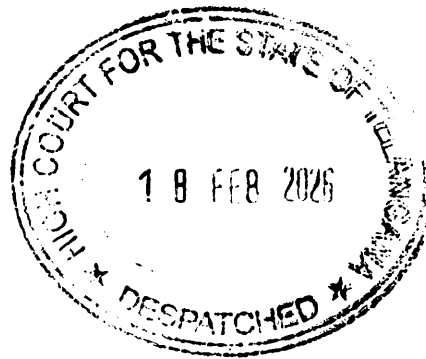
1. The Secretary, Ministry of Health and Family Welfare Department, Government of India, Nirman Bhavan, New Delhi, Union of India.
2. The Joint Director, Government Medical Stores Depot, Ministry of Health and Family Welfare Behind ESI Hospital, S.R. Nagar, Hyderabad.
3. One CC to SRI M.BHARAT SHAH, Advocate [OPUC]
4. One CC to SRI N.BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
5. Two CD Copies

HIGH COURT

DATED: 11/02/2026

ORDER

WP.No.4020 of 2026



**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

(2) *Kor*
18/2/26