

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

**THURSDAY, THE TWELFTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH  
AND**

**THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

**WRIT PETITION NOS: 11587 OF 2013 AND 24960 OF 2012**

**W.P.No.11587 of 2013**

**Between:**

M.V.Ramanaiah, S/o Late M.V.Subba Rao, Occ Ex.Public Prosecutor, Central Bureau of Investigation, R/o Flat No 403, SMR Vijnay Vihar Street No 11, Tarnaka, Hyderabad.

**.....PETITIONER**

**AND**

1. Union of India, rep. by its Secretary,, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions North Block, Central Secretariat, New Delhi.
2. The Director, Central Bureau of Investigation, CGO Complex, Lodhi Road, New Delhi.
3. The Secretary, Union Public Service Commission, Dholpur House, Shajahan Road, New Delhi.
4. E.J.R.Daniel R.Jacob, Additional Legal Advisor, Central Bureau of Investigation, Shastri Bhavan, Haddows Road, Chennai.

**\*(RR 3 and 4 are not necessary parties.)**

**.....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, order, or direction more particularly one in the nature of Certiorari by calling for the order dated 30.01.2012 in O.A.No 1036 of 2009 on the file of the Central Administrative Tribunal, Hyderabad bench and declare the

finding given to the effect that the period for which the petitioner was out of job has to be treated as dies non, as illegal, unconstitutional and unjust and accordingly to set aside the said portion of the order with a direction to the respondents to provide all consequential benefits including salary and all the allowances to the petitioner covering the period from 16.06.2009 till the date of the order in O.A No 1036 of 2009 including counting of service and other consequential benefits and based on the order of allowing the said O.A to the extent of taking back the petitioner to the service.

**I.A.NO:1 OF 2013 (WPMP.NO:14353 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 to stay the portion of the order dated 30.01.2012 in O.A.No 1036 of 2009 of the Central Administrative Tribunal, Hyderabad bench to the extent finding of dies non, pending disposal of the writ petition.

**Counsel for the Petitioners : SRI K.R.K.V.PRASAD**

**Counsel for the Respondent No.1 : SRI N.HARINATH**

**Counsel for the Respondent Nos.2 & 4 : SRI P.KESAVA RAO, SC FOR C.B.I.**

**Counsel for the Respondent No.3 : SRI AJAY KUMAR KULKARNI**

**W.P.NO: 24960 OF 2012**

**Between:**

1. The Union Of India, Rep. by its Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, North Block, Central Secretariat, New Delhi.
2. The Director, Central Bureau of Investigation, CGO., Complex, Lodhi Road, New Delhi.

**.....PETITIONERS**

**AND**

1. M.V. Ramanaiah, Ex-Public Prosecutor, Central Bureau of Investigation, R/o Plot No. 403, SMR Vinay Vihar, Street, No.1, Tarnaka, Hyderabad.
2. E.J.R. Daniel R. Jacob, Additional Legal Advisor, Central Bureau of Investigation, Shastry Bhavan, Haddaws Road, Chennai, Presently working as Mentor Debt Recovery Tribunal - II Chennai.

3. The Secretary, Union Public Service Commission, Dholapur House,  
Shahjahan Road, New Delhi.

**.....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, order or direction more particularly one in the nature of writ of Certiorari calling for records relating to an connected with the order dated 30-01-2012 in O.A. No. 1036 of 2009 passed by the Learned Central Administrative tribunal, Hyderabad bench, Hyderabad and declare the said order as arbitrary, illegal and contrary to the material on record and to quash / set aside the same.

**I.A.NO:1 OF 2012(WPMP. NO: 31839 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 operation of the orders dated 30-01-2012 in O.A. No. 1036 of 2009 passed by the Learned Central Administrative tribunal, Hyderabad bench, Hyderabad, pending disposal of the writ petition in the interest of justice.

**I.A.NO:1 OF 2013(WPMP. NO: 6009 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 to receive the documents enclosed to this petition as additional materials and the same may be received and brought on record in the interest of justice, pending disposal of the writ petition.

**I.A.NO:1 OF 2015 (WVMP. NO: 3195 OF 2015)**

**Between**

M.V. Ramanaiah, Ex-Public Prosecutor, Central Bureau of Investigation, R/o Plot No. 403, SMR Vinay Vihar, Street, No.1, Tarnaka, Hyderabad.

**.....PETITIONER**

**AND**

1. The Union Of India, Rep. by its Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, North Block, Central Secretariat, New Delhi.
2. The Director, Central Bureau of Investigation, CGO., Complex, Lodhi Road, New Delhi.
3. E.J.R. Daniel R. Jacob, Additional Legal Advisor, Central Bureau of Investigation, Shastry Bhavan, Haddaws Road, Chennai, Presently working as Mentor Debt Recovery Tribunal - II Chennai.
4. The Secretary, Union Public Service Commission, Dholapur House, Shahjahan Road, New Delhi.

**.....RESPONDENTS**

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 vacate the interim order granted vide order dated 22.03.2013 in WPMP No. 31839 of 2012 in WP No.24960 of 2012 in the interest of justice.

**I.A.NO: 1 OF 2022**

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 grant urgent hearing of the Writ Petition No. 24960 of 2012.

**Counsel for the Petitioners : SRI SRINIVAS KAPATIA (SPCL PP FOR CBI )**

**Counsel for the Respondent Nos.1 & 2 : SRI K.R.K.V.PRASAD**

**Counsel for the Respondent No.3 : SRI AJAY KUMAR KULKARNI**

**The Court made the following COMMON 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 Nos.11587 of 2013 and 24960 of 2012**

**DATE: 12.02.2026**

**Writ Petition No.11587 of 2013**

Between:

Sri M.V. Ramanaiah

**...Petitioner**

AND

Union of India and 3 others

**...Respondents**

**Writ Petition No.24960 of 2012**

Between:

Union of India and another

**...Petitioners**

AND

Sri M.V. Ramanaiah and 2 others

**...Respondents**

**COMMON ORDER**

Since the issues that arise in the above writ petitions are integrally one and the same, the writ petitions are being disposed of by this Common Order.

2. W.P.No.11587 of 2013, is filed by Sri M.V.Ramanaiah under Article 226 of the Constitution of India, aggrieved by the

order of the Central Administrative Tribunal (CAT) dated 30.01.2012 in O.A.No.1036 of 2009, with the following prayer hereunder:

*to issue a Writ, order, or direction more particularly one in the nature of Certiorari by calling for the order dated 30.01.2012 in O.A No 1036 of 2009 on the file of the Central Administrative Tribunal, Hyderabad bench and declare the finding given to the effect that the period for which the petitioner was out of job has to be treated as dies non, as illegal, unconstitutional and unjust and accordingly to set aside the said portion of the order with a direction to the respondents to provide all consequential benefits including salary and all the allowances to the petitioner covering the period from 16.06.2009 till the date of the order in O.A No 1036 of 2009 including counting of service and other consequential benefits and based on the order of allowing the said O.A to the extent of taking back the petitioner to the service and pass such other order or orders as this Hon'ble deem fit and proper in the circumstances of the case.*

3. W.P.No.24960 of 2012, is filed by the Union of India and the Central Bureau of Investigation (CBI) under Article 226 of the Constitution of India, challenging the same order of the Central Administrative Tribunal (CAT) dated 30.01.2012 in O.A.No.1036 of 2009, with the following prayer hereunder:

*to issue a writ, order or direction more particularly one in the nature of writ of certiorari calling for records relating to an connected with the order dated 30.01.2012 in O.A.No. 1036/2009 passed by the Learned Central Administrative Tribunal, Hyderabad Bench, Hyderabad and declare the said order as arbitrary, illegal and contrary to the material on record and to quash / set aside the same and to pass such other order or orders which are deemed fit and proper in the circumstances of the case.*

4. The writ petitioner in W.P.No.11537 of 2013 and respondent No.1 in W.P.No.24960 of 2012 is one and the same.

5. The writ petitioners in W.P.No.24960 of 2012 and respondent Nos.1 and 2 in W.P.No.11587 of 2013 are one and the same.

6. Heard Sri Srinivas Kapatia, learned Special Public Prosecutor for CBI appearing for petitioner No.2 in W.P.No.24960 of 2012 and respondent No.2 in W.P.No.11587 of 2013; Sri K.R.K.V. Prasad, learned counsel appearing for petitioner in W.P.No.11587 of 2013 and respondent No.1 in W.P.No.24960 of 2012 and Sri Ajay Kumar Kulkarni, learned counsel appearing for respondent No.3 in both the writ petitions and perused the record.

**Factual Matrix (in brief)**

7. The 1<sup>st</sup> respondent in W.P.No.24960 of 2012 / petitioner in W.P.No.11587 of 2013, Sri M.V. Ramanaiah (hereinafter referred to for brevity as 'the delinquent officer'), entered into service as an Assistant Public Prosecutor in the CBI in the year 1993 and was promoted as Public Prosecutor in the year 1998.

8. While he was posted at Guwahati, a charge memorandum dated 22.01.2001 came to be issued to him under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (for short '1965 Rules'), alleging, *inter alia*, that he had unauthorisedly communicated confidential official documents to one S.Papa Rao, an accused in a CBI case; supplied his personal documents to the said accused; and met another

accused, namely S.K. Sanyal, assuring him assistance in securing closure of his criminal case.

**9.** During the pendency of the said disciplinary proceedings, the services of the delinquent officer were terminated by order dated 12.04.2002 under Rule 5 of 1965 Rules.

**10.** Aggrieved thereby, the delinquent officer approached the Tribunal by filing O.A.No.1028 of 2002. The Tribunal, by order dated 05.10.2006, set aside the termination on the ground that, being a Group 'A' officer, his services could not have been terminated by an authority other than the President of India. The Tribunal directed reinstatement and granted liberty to the respondents to proceed with the disciplinary inquiry in accordance with law.

**11.** The said order of the Tribunal was upheld by this Court in W.P.No.16223 of 2007, and the Hon'ble Supreme Court by order dated 11.10.2007, directed reinstatement of the delinquent officer, subject to the outcome of the pending Special Leave Petition.

**12.** Thereafter, the disciplinary proceedings were revived, and upon conclusion of the inquiry, the delinquent officer was imposed the penalty of removal from service by order dated 16.06.2009.

**13.** Questioning the said order of removal, the delinquent officer again approached the Tribunal by filing O.A.No.1036 of

2009. The Tribunal, by the impugned order dated 30.01.2012, allowed the O.A., quashed the order of removal and directed reinstatement of the delinquent officer. However, the Tribunal held that the period from the date of removal till reinstatement shall be treated as *dies non*, thereby denying him back wages and consequential service benefits.

**14.** Aggrieved by the denial of back wages and consequential benefits, the delinquent officer filed W.P.No.11587 of 2013. Aggrieved by the quashing of the removal order, the Union of India and the CBI filed W.P.No.24960 of 2012.

**Contentions on behalf of the petitioner in W.P.No.11587 of 2013**

**15.** The learned counsel for the petitioner has contended hereunder:

- i. That once the Tribunal categorically held that the charges levelled against the delinquent officer were not proved and that the order of removal was illegal, the necessary and natural consequence ought to have been reinstatement with full back wages and continuity of service.
- ii. That the petitioner was kept out of service solely due to the illegal actions of the respondents and, therefore, treating the intervening period as *dies non* is arbitrary, punitive and unsustainable in law.

- iii. That the concept of *dies non* can be invoked only in cases where the employee is blameworthy or at fault. In the present case, the Tribunal itself found that the charges were not substantiated and hence the petitioner could not be penalised indirectly by denial of service benefits.
- iv. Reliance was placed on the judgments of the Hon'ble Supreme Court in ***Rajasthan State Road Transport Corporation v. Shyam Bihari Lal Gupta***<sup>1</sup> and ***Managing Director, Uttaranchal Jal Sansthan v. Laxmi Devi***<sup>2</sup> in support of the contention that reinstatement following an illegal termination ordinarily carries with it continuity of service and back wages, unless exceptional circumstances exist.

**Contentions on behalf of the Union of India and CBI in W.P.No.24960 of 2012**

16. learned Special Public Prosecutor appearing for the CBI has contended hereunder:

- i. That the Tribunal grossly exceeded its jurisdiction by re-appreciating the evidence on record and substituting its own conclusions for those of the Inquiry Officer and the Disciplinary Authority, which is impermissible in judicial review.

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<sup>1</sup> (2005) 7 SCC 406

<sup>2</sup> (2009) 7 SCC 205

- ii. That the standard of proof applicable to departmental proceedings is that of preponderance of probabilities and not proof beyond reasonable doubt, and that the findings of guilt of the delinquent officer were based on cogent and credible material on record.
  - iii. That confidential official documents were seized from the car and residence of S. Papa Rao, an accused in a CBI case; personal documents belonging to the delinquent officer were recovered from the said accused's residence; and witnesses, including L.V.Janakiram Shrama i.e., W-6 and S.K.Sanyal i.e., W-7, had supported the prosecution case.
  - iv. That the Tribunal erred in holding that non-production of original documents vitiated the inquiry, ignoring the settled position that certified copies are admissible and sufficient in departmental proceedings as also the fact that the originals were marked in Court proceedings.
  - v. That the conduct attributed to the delinquent officer, namely, unauthorised sharing of confidential documents and maintaining proximity with accused persons, strikes at the very root of the integrity and credibility of the CBI and fully justified the penalty of removal from service.
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vi. Reliance was placed on the decisions of the Hon'ble Supreme Court in ***Union of India v. P. Gunasekaran***<sup>3</sup>, ***State of Haryana v. Rattan Singh***<sup>4</sup>, and ***Government of Tamil Nadu v. K.N. Ramamurthy***<sup>5</sup> to contend that Courts and Tribunals should not interfere with disciplinary findings unless perversity or violation of principles of natural justice is demonstrated.

17. We have taken note of the respective contentions urged and the material on record.

**Consideration by this Court**

18. In the present case, the issues arise for consideration is whether the Central Administrative Tribunal (CAT) was justified in setting aside the order of removal dated 16.06.2009 passed against the delinquent officer and whether the Tribunal was justified in directing that the period from the date of removal till re-instatement be treated as *dies non*, thereby denying back wages and consequential service benefits.

19. It is pertinent to note that it is apposite to restate the settled legal position governing the scope of judicial review in disciplinary matters. It is no longer *res integra* that neither the High Court nor the Tribunal exercises appellate jurisdiction over departmental inquiries. Interference is warranted only if the inquiry is vitiated by procedural irregularity, violation of

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<sup>3</sup> (2015) 2 SCC 610

<sup>4</sup> (1977) 2 SCC 491

<sup>5</sup> (1997) 7 SCC 101

principles of natural justice, perversity in findings, absence of evidence, or if the punishment imposed is shockingly disproportionate to the misconduct proved.

**20.** On perusal of the record, it discloses that the charge memorandum dated 22.01.2001 alleged grave acts of misconduct against the delinquent officer, who was functioning as a Public Prosecutor in the CBI. The allegations pertained to unauthorised communication of confidential official documents to an accused in a CBI case, supply of personal documents to the said accused, and unauthorised meetings with another accused assuring assistance in closing a criminal case. The nature of the charges, by their very tenor, touch upon the integrity, probity and trust reposed in an officer holding a sensitive prosecutorial position.

**21.** The Inquiry Officer, after affording full opportunity to the delinquent officer, examined both oral and documentary evidence. The findings of guilt were recorded, *inter alia*, on the basis of seizure of confidential documents from the car and residence of the accused one Papa Rao, recovery of personal documents belonging to the delinquent officer from the said accused's residence, and the testimony of material witnesses, including L.V.Janakiram Shrama i.e., W-6 and S.K.Sanyal i.e., W-7. Further, L.V.Janakiram Shrama i.e., W-6 categorically deposed that the delinquent officer had perused the original

confidential documents, while S.K.Sanyal i.e., W-7 spoke to the meeting between the delinquent officer and the said accused persons, during which assurances were allegedly given.

**22.** It is to be noted that the Tribunal, however, proceeded to interfere with the disciplinary action primarily on the ground that original documents were not produced and that the evidence was not 'authentic' enough to sustain the charges. In doing so, the Tribunal virtually re-appreciated the entire evidence and substituted its own conclusions for that of the Inquiry Officer and the Disciplinary Authority.

**23.** Such an approach, in the considered view of this Court, travels beyond the permissible limits of judicial review. The Hon'ble Supreme Court in ***Kanwar Amninder Singh v. Hon'ble High Court of Uttarakhand at Nainital Through its Registrar General***<sup>6</sup> has held that strict rules of the Indian Evidence Act do not apply to departmental proceedings and that certified copies or secondary evidence, if duly authenticated, are admissible. The standard of proof applicable is that of preponderance of probability and not proof beyond reasonable doubt. Once there is some material on record which reasonably supports the conclusions of the Inquiry Officer, the Tribunal could not have interfered merely because another view was possible.

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<sup>6</sup> 2021 SCC OnLine SC 3338

24. Further, it is to be noted that the Tribunal appears to have lost sight of the fact that the delinquent officer was not an ordinary government servant but a Public Prosecutor in the CBI, an institution whose credibility rests substantially on the integrity of its officers. Unauthorised dissemination of confidential documents to accused persons strikes at the very root of institutional discipline and public confidence. The Disciplinary Authority, after consulting the Union Public Service Commission (UPSC), imposed the penalty of removal, which cannot be said to be disproportionate to the gravity of the misconduct proved.

25. In this context, the principles laid down by the Hon'ble Supreme Court in **P. Gunasekaran** (supra 3) and **Rattan Singh (supra 4)** squarely apply. The Tribunal, by reassessing evidence and questioning the sufficiency thereof, effectively acted as an appellate authority, which is impermissible by re-appreciating evidence.

26. Accordingly, this Court is of the considered opinion that the Tribunal committed a manifest error in law in setting aside the order of removal dated 16.06.2009.

27. In view of the above conclusion reached, that the order of removal is liable to be restored, the question of treating the intervening period as *dies non* and granting back wages or continuity of service does not strictly arise.

### Conclusion

28. For the foregoing reasons, this Court is of the considered view that the Tribunal was not justified in interfering with the disciplinary action by re-appreciating the evidence and substituting its own conclusions for those of the competent authority, thereby travelling beyond the well-settled limits of judicial review in disciplinary matters. Having regard to the nature of the post held by the delinquent officer and the gravity of the charges levelled, the Tribunal was required to confine its scrutiny to examining whether the disciplinary proceedings were vitiated by any procedural illegality, perversity or violation of the principles of natural justice, instead of embarking upon a fresh evaluation of the evidence. To that extent, the impugned order cannot be sustained.

29. Accordingly, W.P.No.24960 of 2012 is allowed, and the order dated 30.01.2012 passed by the Tribunal in O.A.No.1036 of 2009 is hereby set aside. W.P.No.11587 of 2013 is dismissed. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/- MOHD. ISMAIL  
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Union Public Service Commission, Dholapur House, Shahjahan Road, New Delhi.
2. One CC to SRI SRINIVAS KAPATIA (SPCL PP FOR CBI ) Advocate [OPUC]
3. One CC to SRI K.R.K.V.PRASAD, Advocate [OPUC]
4. One CC to SRI AJAY KUMAR KULKARNI, Advocate [OPUC]
5. One CC to SRI N.HARINATH, Advocate (OPUC)
6. One CC to SRI P.KESAVA RAO, SC FOR C.B.I., Advocate (OPUC)
7. Two CD Copies

SA

**HIGH COURT**

**DATED:12/02/2026**

**COMMON ORDER**

**WP.Nos.11587 of 2013 AND 24960 of 2012**



**DISMISSING THE WRIT PETITION 11587 of 2013  
AND**

**ALLOWING THE WRIT PETITION 24960 of 2012  
WITHOUT COSTS**

⑨ NT  
13/2/26