

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

**MONDAY, THE NINETEENTH DAY OF JANUARY
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: 15719 OF 2021

Between:

Shri. M.Appa Rao, S/o: M.Srikanth, aged 60 Yrs., Father of Force No. 055144778 CT/GD C/o M.Veeriaya chowdary, Plot No.784, St.No.27, HMT, Swarnapuri Colony, Miyapur 500049, Telangana

...PETITIONER

AND

UOI Represented by its.,

1. The Director General of Police, (DG), Central Reserve Police Force Block No.1 Kendriya Karyala Parisar, Lodhi Raod New Delhi - 03
2. The Inspector General (P)(IG), Central Reserve Police Force Road No.10-C, Jubillee Hills, Near MP and MLA Colony, Hyderabad -33.
3. Dy. Inspector General of Police, (DIGP) Group Centre, Central Reserve Police Force, Jharodakalan, New Delhi. -72.
4. Dy. Inspector General of Police, (DIGP) Group Centre, Central Reserve Police Force, Ranga Reddy, Telangana-78.
5. Commandant, Group Centre, Central Reserve Police Force, Ranga Reddy, Telangana-78.
6. Station House Officer, Police station, Baba Haridas Nagar, Najafgarh, New Delhi.
7. Superintendent of Police, Collector office Road, Ankemma Nagar, R and B quarters Guntur, A.P. 522004

...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 an appropriate order or direction more particularly one in the nature of Writ of Mandamus directing the Respondents to grant all the

Service/Death benefits applicable to the Petitioner and declare the action of 5th Respondent in passing Ex parte Removal Order dated 28.01.2017 against a Missing Employee is illegal, arbitrary, and against Rules in force and quash and set aside the same and to pass such orders as this Honble Court may deem fit and proper in the circumstances of the present case.

(Prayer is amended as per court order dt. 17.12.2025 vide I.A.No. 1 of 25 in W.P.No. 15719 of 2021)

IA NO: 1 OF 2021

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 Respondent No.4 to ascertain the outcome of complaint 6.6.2015 lodged by GC New Delhi at PS Baba Haridas Nagar, Najafgarh, New Delhi and warrant of Arrest issued to SP Guntur AP with regard to missing employee (Srikanth) Pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI G. PAVANA MURTHY

Counsel for the Respondent No.:2,4,6:

**Counsel for the Respondent Nos.1,3 and 5: SRI N. BHUJANGA RAO,
ASSISTANT SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondent No.7: SRI A. RAGHURAM MAHADEV
AGP FOR STATE OF ANDHRA PRADESH**

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.15719 of 2021

Dated: 19.01.2026

Between:

Shri M. Appa Rao

...Petitioner

And

Union of India, rep., by its
Director General of Police (DG),
Central Reserve Police Force, Block No.1,
Kendriya Karyala Parisar, Lodhi Road,
New Delhi and six others.

...Respondents

ORDER:

Sri G. Pavana Murthy, learned counsel for the petitioner.

Sri N. Bhujanga Rao, learned Deputy Solicitor General of India appears
for respondent Nos.1 to 3 and 5.

Sri A. Raghuram Mahadev, learned Assistant Government Pleader for the
State of Andhra Pradesh appears for respondent No.7.

2. Petitioner is the father of one M. Srikanth, Constable, Central Reserve Police Force (CRPF) who has preferred this writ petition for granting of service benefits to him as per the Government of India Office Memorandum dated 24.06.2013 and declare the action of respondent No.5 in passing removal order dated 28.01.2017 against his missing son as illegal.

3. During the pendency of the writ petition, the order of removal dated 28.01.2017 has been challenged. The facts culled out from the pleadings on record and specifically from the counter affidavit of respondent Nos.1 to 5 filed in November, 2021, indicates that the petitioner's son was declared unfit for combatized service as per the proceedings of Medical Board Part-I and Part-II received from Composite Hospital, CRPF, Guwahati, dated 28.02.2014 as he was a case of amputation of left leg. The petitioner's son was referred to Rehabilitation Board as per Standing Order 04 of 2011. The Board headed by Inspector General of Police, Southern Sector, CRPF, Hyderabad, recommended the following (a) Continue to complete 10 years of service so as to entitle for pensionary benefits. (b) GC-RRY should take action to motivate him for vocational training subject to his willingness, by proceedings dated 22.01.2015. Since the petitioner's son in his application dated 19.02.2015 expressed willingness for attending computer course (skill development programme with special focus on computer applications for people with disability) conducted by

NCRB, New Delhi, for the year 2015, his name was accepted by the Inspector General of Police, Southern Sector, CRPF, Hyderabad. He was sent to Northern Sector, Headquarter, CRPF, New Delhi, on 21.02.2015. During the course of his stay in Group Centre, CRPF, Jharodakalan, New Delhi, with effect from 23.02.2015, he was found absent on 02.06.2015 by the Deputy Commandant (Admn) Group Centre, CRPF, Jharodakalan, New Delhi. The Constable – M. Srikanth (General Duty) (for short, “CT/GD”) was found absent from roll call on 01.06.2015. A search party scoured the bus stand and nearest railway station, but could not trace him. Therefore, the competent authority treating him as deserter from the camp with effect from 01.06.2015 at 1800 hours and submitted a written complaint to the Station House Officer, Baba Haridas Nagar Police Station, Nazafgarh, New Delhi, with a request to lodge First Information Report (FIR) against the said CT/GD under intimation to Group Centre, CRPF, Ranga Reddy. Thereafter, letters were issued to the petitioner’s son on 01.07.2015 and 13.07.2015 to report for duty failing which strict disciplinary action would be taken against him. Simultaneously, on 17.07.2015, the Officer Commanding of Group Centre, CRPF, Ranga Reddy, also lodged a complaint against him before the Chief Judicial Magistrate of the First Class-cum-Commandant of GC CRPF, Ranga Reddy, under Section 10(m) of the Central Reserve Police Force Act, 1949 (for short, “the Act”). Cognizance was taken under Section 9(f) of the Act and warrant of arrest was issued to respondent

No.7 - Superintendent of Police, Guntur, for his apprehension. Further, a court of inquiry was ordered to enquire into the circumstances under which he deserted the Group Centre, CRPF, Jharodakalan, New Delhi, campus on 01.06.2015 and has not reported back to duty. On conclusion of Court of inquiry, he was declared as deserter with effect from 01.06.2015 vide order dated 07.12.2015. In the Court of inquiry order, it was also mentioned that though he has been declared deserted, he will not ceased to be a member of the force and is liable for disciplinary action, on his being apprehended, on execution of the warrant of arrest issued against him. As per Standing Order No.19 of 2001, if the accused person is not traceable and is not possible to proceed against him in the criminal trial, an *ex-parte* departmental enquiry should be held against him after due notice by registered post acknowledgement due on the last known address. After complying with the notice through letters dated 01.07.2015 and 13.07.2015, *ex-parte* departmental enquiry was ordered for three articles of charges alleging misconduct as a member of the Force who deserted the Group Centre, CRPF, Jharodakalan, New Delhi campus on 01.06.2015 without permission from the competent authority and had not reported. It was alleged that his action was prejudicial to good order and discipline of the Force and punishable under Rule 27 of the Central Reserve Police Force Rules, 1955 (for short, "the Rules"). Article II of charges also alleged desertion without proper permission while attending computer course at

Group Centre, CRPF, Jharodakalan, New Delhi. Article III alleged that he is a habitual offender of committing indiscipline activities on earlier five occasions and failing to mend his ways despite opportunities. The *ex-parte* departmental enquiry ended in the penalty of removal from service for act of grave misconduct punishable under Section 11(1) of the Act read with Rule 27 of the Rules. His period of absence from 02.06.2015 to 27.01.2015 was regularized as dies-non for all purposes. Warrant of arrest dated 13.08.2015 was cancelled. The father of the constable, M. Srikanth, thereafter preferred this writ petition in the year 2021 seeking service benefits claiming his son as missing.

4. The office memorandum dated 25.06.2013 relied upon by both the petitioner and the respondent CRPF, Ministry of Personnel, Department of Pension and Pensioners' Welfare on the subject of granting of family pension and gratuity to the eligible members of the family of an employee reported missing provides for following formalities to be completed for seeking such benefits:

"4. In the case of a missing employee/pensioner/family pensioner, the family can apply for the grant of family pension, amount of salary due, leave encashment due and the amount of GPF and gratuity (whatever has not already been received) to the Head of Office of the organisation where the employee/pensioner had last served, six months after lodging of Police report. The family pension and/or retirement gratuity may be sanctioned by the Administrative Ministry/Department after observing the following formalities:-

(i) The family must lodge a report with the concerned Police Station and obtain a report from the Police, that the employee/ pensioner/ family pensioner has not been traced despite all efforts made by them. The

report may be a First Information Report or any other report such as a Daily Diary/General Diary Entry.

(ii) An Indemnity Bond should be taken from the nominee/dependants of the employee/pensioner/family pensioner that all payments will be adjusted against the payments due to the employee/pensioner/family pensioner in case she/he appears on the scene and makes any claim.

5. In the case of a missing employee, the family pension, at the ordinary or enhanced rate, as applicable, will accrue from the expiry of leave or the date up to which pay and allowances have been paid or the date of the police report, whichever is later. In the case of a missing pensioner/family pensioner, it will accrue from the date of the police report or from the date immediately succeeding the date till which pension/family pension had been paid, whichever is later.

6. The retirement gratuity will be paid to the family within three months of the date of application. In case of any delay, the interest shall be paid at the applicable rates and responsibility for delay shall be fixed. The difference between the death gratuity and retirement gratuity shall be payable after the death of the employee is conclusively established or on the expiry of the period of seven years from the date of the police report.

7. Before sanctioning the payment of gratuity, the Head of Office will assess all Government dues outstanding against the employee/pensioner and effect their recovery in accordance with Rule 71 of the CCS (Pension) Rules, 1972 and other instructions in force for effecting such recoveries.

8. The amount of salary due, leave encashment due and the amount of GPF will be paid to the family in the first instance as per the nominations made by the employee/pensioner on filing of a police report and submission of an indemnity bond as indicated above.

9. The benefits to be sanctioned to the family/nominee of the missing employee/pensioner will be based on and regulated by the emoluments drawn by him/her and the rules/orders applicable to him/her as on the last date he/she was on duty including authorised periods of leave.

10. Formats of separate Indemnity Bonds to be used in the case of missing employees, missing pensioners and missing family pensioners are available at this department's website www.persmin.nic.in."

5. The respondent CRPF in their counter affidavit took a plea that the petitioner had not lodged FIR/complaint to the police station of his native place having jurisdiction and not obtained a report from police that the employee has

not been traced out despite all efforts made by the police. They requested the Court to direct the family of the employee to lodge an FIR and obtain a police report to be produced before the respondents with an indemnity bond for seeking any claim. According to them such form had not been received due to which the respondent department did not initiate any payment action. According to the department, no representation has been served by the petitioner to the CRPF. Therefore, the petitioner's son would be eligible for DCPS, risk fund and CGEGIS amount only. It was further stated that the petitioner's son had submitted nomination form on 08.04.2010 nominating his family as father, mother, wife - Smt. Indu and sister - Ms. M. Sujatha, aged 8 years. The definition of family as per Rule 54 of Central Civil Service (Pension) Rules, 1972, provides category I and II as falling within the meaning of family. Under category II parents, who are wholly dependent on the Government servant when he/she was alive, are entitled to seek family pension provided the deceased employee left behind neither a widow nor a child. However, it is also stated that on 16.05.2011, the petitioner's son had submitted nomination form in the name of his Mother - Smt. M. Lakshmi and excluded the name of his wife - Smt. Indu. Petitioner's son had not communicated any reasons for deletion of the name of his wife and addition of the name of his mother with valid documents. Pension and other pensionary benefits were applicable to the next of kin of the Government servant i.e., wife and if wife is not alive then subsequently,

children, parents, brother and sister are eligible. The respondents, therefore, took a stand that it is to be verified as to who is the legal heirs of petitioner's son so as to disburse monetary benefits. They have also referred to the report of the Sub-Inspector, Baba Haridas Nagar Police Station. The reply of the Sub-Inspector of BHD Nagar Police Station dated 17.10.2018 annexed at page 57 with the communication dated 18.10.2018 addressed to the Deputy Inspector General of Police, Group Centre, CRPF, Ranga Reddy, indicates that the police after intimating all branches regarding the allegations of the Constable – M. Srikanth missing have not yet got any information of his whereabouts. Intimation, if any, would be duly conveyed to the respondent CRPF.

6. Be it also indicated here that earlier by order dated 22.02.2022 the Deputy Commandant (Admn), Group Centre, CRPF, New Delhi, was asked to file an affidavit informing the minute details, including the procedure which is followed while entering the Group Centre campus. The affidavit should also include a positive statement in respect of the fact whether a person can go out of the campus without signing the documents and without disclosing his identity and whether any record is maintained in respect of persons leaving the centre at any point of time. The affidavit should also furnish details in respect of any CCTV footage in case available in respect of the missing constable (CT/GD) M. Srikanth.

7. A detailed counter affidavit was filed thereafter on 01.04.2022. The pointed query made by the Court has been answered in the form of a tabular chart, which is extracted as under:

Sl. No.	Points as asked vide Court order dated 22/02/2022	Reply
1.	Procedure which is followed while entering the Group Centre Campus.	When any person reports at the main entry gate of this Group Centre, CRPF person deployed at the gate for maintaining access control, asks visitor for producing his Identity Card, after verifying his identity and purpose visitors are allowed inside the campus after making proper entry in the register. In this regard relevant register for the year 2015 has been weeded out as per existing instruction. (Annexure-“G”)
2.	Whether a person can go out of the Campus without signing the documents and without disclosing his identity and whether any record is maintained in respect of persons leaving the Centre at any point of time.	When a person is requests for out pass from campus, prior permission is given by competent authority of this GC. Moreover, record of personnel who gets out pass is being maintained by this GC. In this regard relevant register/record for the year 2015 has also been weeded out as per existing instruction. (Annexure-“G”)
3.	Details in respect of any CCTV footage in case available in respect of the missing Constable (CT/GD) M. Srikanth.	CCTV footage automatically gets erased after 30 days, hence no record is available.

8. A reply to the counter affidavit has been filed by the petitioner on 23.08.2022. Petitioner has also relied upon a Division Bench judgment of the combined High Courts of Telangana and Andhra Pradesh in **Union of India and others vs. Polimetla Mary Sarojini and another**¹.

¹ 2017 (3) ALD 285 (DB)

9. Two affidavits have been filed by respondent No.7, one dated 09.08.2021 and the second dated 21.01.2022. The first affidavit asserts that during execution of the warrant of arrest, the then Station House Officer, Rompicherla, did not find the petitioner's son in the village and returned the warrant to respondent No.4 through letter dated 03.09.2017 stating that he is not available in the village. In response to para 8 of the writ petition, a statement has been made in the same affidavit that the petitioner was advised that it may not be necessary to register a case of missing person by Rompicherla Police Station as a case was already registered at New Delhi since he absconded while working at New Delhi. A warrant of arrest was issued by respondent No.4 to respondent No.7 on account of his absconding. In the second affidavit filed on 21.02.2022, respondent No.7 has stated that during enquiry the petitioner, his brother, Village Revenue Officer, Village Revenue Assistant of Santagudipadu Village and three neighbours of the village were examined and their statements were recorded. This affidavit further states about the amputation of the left leg of the petitioner's son. Thereafter, he was sent for computer training in New Delhi from where he was found missing from 01.06.2015.

10. This affidavit further states that on enquiry, petitioner stated that he had not got any phone call from his son since he was found missing and since he has not come to his village for all these years. He did not know the whereabouts of

his son. His uncle also expressed ignorance about the whereabouts of the petitioner's son. Rest of the villagers and revenue officials also stated that they have not seen the petitioner's son in the village for past more than 6 years. They did not know his whereabouts.

11. In this factual background, the question which falls for consideration before this Court is:

Whether the order of removal of petitioner's son in an *ex-parte* departmental proceeding after declaring him as a deserter is proper in the eye of law and;

Whether in the absence of any missing complaint lodged by the petitioner, the petitioner could be denied the service benefits of his son though his son has not been traced out for more than 10 years by now.

12. Petitioner's son had gone missing while undergoing training at Group Centre, CRPF, Jharodakalan, New Delhi, from 01.06.2015. It is not a case of his son missing while on off-duty, beyond the duty hours and the precincts of the Group Centre, CRPF, where he was undergoing training. Petitioner's son was at Group Centre, CRPF, Jharodakalan, New Delhi, within the control and command of the Group Admin. The Deputy Commandant (Adm) Group Centre, CRPF, New Delhi, has in his affidavit filed pursuant to the order dated

22.02.2022 taken the plea that registers, records and CCTV footage of that period have been either weeded out or got erased. It is also come on record that petitioner's son had taken reservation for 02.06.2015 for coming to his native place from New Delhi. It is also evident from the report of the Sub-Inspector, Baba Haridas Nagar Police Station, Nazafgarh, New Delhi, that the CRPF authorities had themselves lodged a complaint of missing of petitioner's son from the Group Centre. No final form or charge sheet in respect of the said case after completion of investigation by Baba Haridas Nagar Police Station, Nazafgarh, New Delhi, has been brought on record by the complainant CRPF authorities to show that petitioner's son was indeed an absconder, found alive or traced and not missing while undergoing training from the Group Centre, CRPF, Jharodakalan, New Delhi, from 01.06.2015. Had it been a case where in ordinary course of duty and beyond duty hours the constable had gone missing, the family of the employee was obliged to file a missing report. The petitioner's son was not in the custody of the petitioner – father when he went missing. He was under the control and command of the Commanding Officer, Group Centre, CRPF, Jharodakalan, New Delhi, in effect in his regimental family. In such a case, when even the warrant of arrest could not be executed against the Constable as he could not be found at his native place, the *ex-parte* departmental proceedings in his absence leading to his removal from service could hardly justify the charges alleged against him. The notice through registered post on

the native address of the employee received by the petitioner could technically satisfy the requirement of service of notice to the employee, but if even on enquiries and investigation made through respondent No.7 – Superintendent of Police, Guntur, petitioner's son was never seen or found in his native village, such *ex-parte* departmental proceedings would be of formal consequence only. As such, by imposing a penalty of removal from service upon such a constable found missing from the control and command of Group Centre, CRPF, Jharodakalan, New Delhi, the respondent authorities cannot be absolved of their responsibility towards a member of their Uniform Force and the benefits to which the legal heirs or nominees of such employee are entitled to receive.

13. The respondent CRPF authorities cannot be absolved of their responsibility of maintaining the records and the CCTV footage for the period when they had themselves lodged a police report about his missing before the Baba Haridas Nagar Police Station, Nazafgarh, New Delhi.

14. We are, therefore, of the opinion that though the disciplinary Rules provide for a forum of appeal, but since the delinquent has not been traceable all along till date, petitioner, who is the innocent father, should not be relegated to the alternative remedy of appeal by refusing to entertain the writ petition on that ground. We are, therefore, of the view that the order of removal from service cannot be sustained in the eye of law in the background of facts and

circumstances and the reasons recorded hereinabove. Accordingly, the order of removal is quashed and set aside.

15. The totality of facts and circumstances borne out from record and specifically from the counter affidavit of the respondent CRPF and respondent No.7 persuade us to hold that the insistence upon lodging of an FIR by the petitioner for his missing son would not be mandatory for consideration of the claim for service benefits to which his legal heirs or nominees are entitled as per law. Statutory authorities of CRPF and investigating authorities despite their efforts have not been able to trace the missing employee since 02.06.2015 while he was undergoing training as a part of his rehabilitation due to amputation of his left leg on the commendations of the Departmental Rehabilitation Board. If such an approach is adopted by the respondent authorities of CRPF it would discourage the families from sending their wards to serve the Force. We therefore direct the respondent authorities to process the claim for service benefits of the employee (M. Srikanth) treating him as missing for the last more than 10 years. His admissible service/pensionary benefits be disbursed in favour of the legal heirs/nominees as per the pension rules and the standing orders applicable to the employees of the force, however, subject to furnishing of an indemnity bond.

16. The writ petition is accordingly allowed in the manner and to the extent indicated hereinabove.

Miscellaneous applications pending, if any, shall stand closed.

**SD/-AHMED ABDULLAH KHAN
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Director General of Police, (DG), UOI Represented by its., Central Reserve Police Force Block No.1 Kendriya Karyala Parisar, Lodhi Raod New Delhi - 03
2. The Inspector General (P)(IG), Central Reserve Police Force Road No.10-C, Jubilee Hills, Near MP and MLA Colony, Hyderabad -33.
3. Dy. Inspector General of Police, (DIGP) Group Centre, Central Reserve Police Force, Jharodakalan, New Delhi. -72.
4. Dy. Inspector General of Police, (DIGP) Group Centre, Central Reserve Police Force, Ranga Reddy ,Telangana-78.
5. Commandant, Group Centre, Central Reserve Police Force, Ranga Reddy, Telangana-78.
6. Station House Officer, Police station, Baba Haridas Nagar, Najafgarh, New Delhi.
7. Superintendent of Police, Collector office Road, Ankemma Nagar, R and B quarters Guntur, A.P. 522004
8. One CC to Sri G. Pavana Murthy, Advocate [OPUC]
9. One CC to Sri N. Bhujanga Rao, Deputy Solicitor General of India[OPUC]
10. Two CCs to the GP for State of Andhra Pradesh, High Court for the State of Telangana, at Hyderabad[OUT]
11. Two CD Copies

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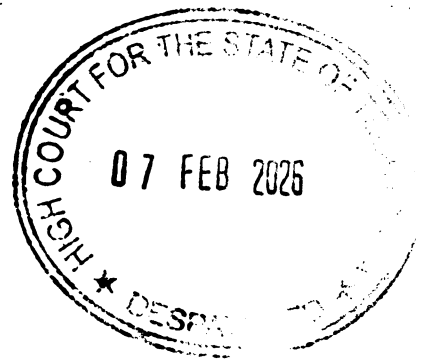
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HIGH COURT

DATED:19/01/2026

ORDER

WP.No.15719 of 2021



**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

(14)

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6/2/26