

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**

WRIT APPEAL No.1073 of 2015

JUDGMENT : (per Hon'ble Sri Justice R.Subhash Reddy)

This Writ Appeal, under Clause 15 of Letters Patent, is filed by the appellant/writ petitioner aggrieved by the interim order dated 07.11.2015 passed by the learned single Judge in W.P.M.P.No.46864 of 2015 in W.P.No.36390 of 2015, dismissing the miscellaneous petition filed by him seeking suspension of the impugned proceedings-S.P.O.O. (CGM-HRD) Rt.No.855, dated 04.11.2015 issued by respondent No.2, insofar as it relates to the appellant/writ petitioner.

2. While working as Assistant Engineer (Electrical), the appellant/writ petitioner was promoted as Assistant Divisional Engineer (Electrical) in the 2nd respondent – Telangana State Southern Power Distribution Company Limited, Hyderabad, vide proceedings SPOO (CGM-HRD/Rt.WO.806, dated 19.10.2015. Subsequently, having come to know that there is a seniority dispute pending before the Hon'ble Supreme Court, the Chairman and Managing Director of the 2nd respondent-Company has issued the proceedings-S.P.O.O. (CGM-HRD) Rt.No.855, dated 04.11.2015, cancelling the earlier promotion and reverting the appellant/writ petitioner to the post of Assistant Engineer (Electrical). Challenging the said proceedings dated 04.11.2015, when the appellant/writ petitioner filed the aforesaid writ petition and also sought for suspension of the

said order in WPMP.No.46864 of 2015, the learned single Judge dismissed the said petition through the impugned order dated 07.11.2015. Hence, the present Writ Appeal.

3. In this writ appeal, it is contended by the learned counsel for appellant/writ petitioner that when the appellant/writ petitioner was promoted to the post of Assistant Divisional Engineer (Electrical), the 2nd respondent-Company ought not to have given reversion order without giving an opportunity of hearing to the appellant/writ petitioner.

4. Heard learned counsel for the appellant/writ petitioner and perused the material on record.

5. It is to be noticed that the appellant/writ petitioner was given appointment as Assistant Engineer (Electrical) on contract basis and subsequently he was absorbed in the said category. When there was a dispute with regard to seniority of the persons appointed on contract basis and subsequently absorbed, as to whether such persons are entitled for seniority or not, the same is the subject of challenge in W.A.No.1104 of 2011 and batch, wherein this Court, vide judgment dated 17.09.2013, held that such persons are not entitled to claim any seniority. As against the said judgment, the matters were carried to the Hon'ble Supreme Court by way of SLP.No.8663 of 2015 and the same is pending.

6. From a perusal of the impugned order dated 07.11.2015, it is clear that the seniority list dated 30.11.2011 was required to be revised as per the judgment in W.A.No.1104 of 2011 and batch, dated 17.09.2013. When

the name of the appellant/writ petitioner did not figure in the said seniority list, as a matter of right, he cannot claim seniority. When the said fact came to the notice of the 2nd respondent-Company, they have cancelled the promotion order given to the appellant/writ petitioner and reverted him to the post of Assistant Engineer (Electrical). *Pirmafacie*, we are of the view that there are no grounds to interfere with the impugned order dated 07.11.2015 of the learned single Judge. However, as the writ petition is pending, we deem it appropriate to direct the Registry to expedite hearing of the said writ petition.

7. Accordingly, this Writ Appeal is dismissed, at the admission stage, while directing the Registry to list W.P.No.36390 of 2015 for final hearing, immediately after Sankranti Vacation, 2016. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE M. SATYANARAYANA

MURTHY
15.12.2015.
Msr

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Msr