

**IN THE HIGH COURT OF JUDICATURE AT  
HYDERABAD**

**FOR THE STATE OF TELANGANA AND THE STATE OF  
ANDHRA PRADESH**

**WRIT PETITION No.5298 OF 1999**

Between:

T.Udayavarlu.

..Petitioner.

And:

The A.P.Transco represented by its Member  
Secretary/Director, Vidyut Soudha, Somajiguda,  
Hyderabad and another.

..Respondents.

**JUDGMENT PRONOUNCED ON : 28<sup>th</sup> August,  
2015**

**HONOURABLE SRI JUSTICE : S.RAVI  
KUMAR**

1. Whether Reporters of Local :  
newspapers may be allowed to  
see the Judgments?

2. Whether the copies of judgment  
may: be marked to Law  
Reporters/Journals

3. Whether their  
Ladyship/Lordship: wish to see  
the fair copy of the Judgment?

**HONOURABLE SRI JUSTICE S.RAVI KUMAR**

**WRIT PETITION No.5298 OF 1999**

Dated 28-8-2015

Between:

T.Udayavarlu.

\_\_\_\_\_.Petitioner.

And:

The A.P.Transco represented by its Member  
Secretary/Director, Vidyut Soudha, Somajiguda,  
Hyderabad and another.

\_\_\_\_\_.Respondents.

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HONOURABLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION No.5298 OF 1999

ORDER:

This writ is filed to declare B.P.Ms.No.217 dated 18-1-1997 and the consequential memo No.SE/OP/NLG/ADM/FNo/D.No.2962/99 dated 22-2-1999 is illegal, arbitrary and without jurisdiction in so far as petitioner is concerned.

Petitioner was working as J.A.O. in the office of S.E. Operation Circle, Transco, Nalgonda. He was appointed in the respondent Board on 23-9-1964 and thereafter, he was promoted as U.D.C. on 6-6-1973 on acquiring three requisite tests and thus completed 15 years of service. Petitioner was promoted as J.A.O. on crossing the age of 50 years on 12-7-1996 as per B.P.No.326 dated 13-9-1993 duly exempting him from passing pre-requisite tests for promotion from U.D.C. to J.A.O. The respondent Board issued B.P.Ms.No.664 dated 5-8-1981 granting general exemption from passing departmental tests to L.D.Cs. and U.D.Cs., who have got good record and completed 15 years of service in the same post.

Batch of writs were filed challenging the reversion order issued by the Board and the matter went up to Supreme Court and basing on the judgment of the Supreme Court, Board issued B.P,Ms.No.217 dated 18-

1-1997 and memo dated 20-9-1997 through which, promotions already effected were cancelled. Petitioner submitted a detailed explanation to the respondent-authorities challenging the reversion from the post of J.A.O. to U.D.C. but without hearing the effected parties, respondent-authorities, instead of granting exemption as per B.P.Ms.No.326 dated 13-9-1993, decided to revert the petitioner.

Heard both sides.

Advocate for petitioner submitted that the petitioner retired as JAO in the year 2002 but his pension was fixed only as U.D.C. and his pensionary benefits as J.A.O. were not fixed though he worked as J.A.O. for nearly 10 years. It is further submitted that in view of financial constraints and moral obligation of performing marriage of his daughter, petitioner received pension fixed as U.D.C. but he is entitled to get his pension as J.A.O. It is further submitted that the promotion of petitioner herein was as per B.P.Ms.No.326 dated 13-9-1993 and the general B.P.Ms.No.664 dated 5-8-1981 is no away relevant to the petitioner and as such, petitioner who was promoted as per B.P.Ms.No.326 dated 13-9-1993, the decision of the Honourable Supreme Court in appeal No. C.A.No.180-181 of 1984 is not applicable to the petitioner.

Advocate for respondents submitted even if the claim of petitioner that his promotion was as per B.P.Ms.No.326 dated 13-9-1993, is accepted, he can be considered as J.A.O. only from the date of B.P.Ms.No.326 dated 13-9-1993 and he cannot claim its benefits prior to that even though he was promoted prior to the date of B.P.Ms.No.326 dated 13-9-1993.

As seen from the material, petitioner herein was promoted as J.A.O. by giving exemption in terms of B.P.Ms.No.326 dated 13-9-1993 and therefore, as rightly pointed out by advocate for petitioner, the

decision of Supreme Court which considered validity of B.P.Ms.No.664 dated 5-8-1981 has no application to the case of petitioner.

For these reasons, I am of the opinion that as the petitioner was promoted in terms of B.P.Ms.No.326 dated 13-9-1993, his retirement benefits in the cadre of J.A.O. have to be calculated only from the date of B.P.Ms.No.326 dated 13-9-1993 irrespective of the fact that he got promotion earlier.

This Writ Petition is accordingly disposed of. No costs. The respondents shall re-calculate the pension and retirement benefits of the petitioner in the cadre of J.A.O. from the date of B.P.Ms.No.326 dated 13-9-1993 within three months and pay the difference amount to the petitioner. No costs.

As a sequel to the disposal of this writ petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

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JUSTICE

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S.RAVI KUMAR

Dated 28-8-2015.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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WRIT PETITION No.5298 OF 1999

Dated 28-8-2015

Dvs