

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.1556 of 2003

ORDER :

This writ petition is filed for a writ of Certiorari calling for records relating to G.O.Rt.No.1541 dated 19.06.1999 and the consequential circular Rc.No.G1/4234 (T)/1999-2000/3551 dated 23.08.1999 and quash the same by holding them as illegal, arbitrary and unconstitutional.

Heard learned counsel for the petitioners and learned Government Pleader for the respondent No.2 & G. Pedda Babu for respondent No.1. Both the counsels agreed that the lis in the writ petition is covered by the judgment of the Hon'ble Supreme Court in

P.Sudhakar Rao and Others Vs U.Govinda Rao and others^[1]. The Hon'ble Apex Court, in Para No.53 of the judgment held as follows :

“For the reasons aforesaid, we see no occasion for interfering with the view taken by the High Court to the effect that the grant of retrospective seniority to the Supervisors on their appointment as Junior Engineers violates Article 14 of the Constitution. The weightage of service given to the Supervisors can be taken advantage of only for the purpose of eligibility for promotion to the post of Assistant Engineer. The weightage cannot be utilized for obtaining retrospective seniority over and above the existing Junior Engineers.”

Since the Hon'ble Supreme Court categorically held that there cannot be any retrospective promotion and also upheld the contention that the service rendered can be accounted for the purpose of promotion, but not for the seniority.

In view of the same, Clause 'c', ii & iii of the impugned circular in Rc.No.G1/4234(T)/1999-2000 dated 23.08.1999 is liable to be quashed.

Following the judgment of the Hon'ble the Supreme Court referred to above, the writ petition is allowed-in-part quashing the Clauses, 'c', ii & iii of the impugned circular. There shall be no order as

to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A. RAJASHEKER REDDY,J

11th September, 2015
Rds

[\[1\]](#) (2013) 8 Supreme Court Cases 693