

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

Writ Petition No.30370 of 2013

Between

K.Raghu Ram Prasad

... Petitioner

and

The A.P. Genco,
Rep. by its MD,
Vidhyut Soudha,
Hyderabad;
and 2 others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 28-7-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE R.KANTHA RAO

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|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgment? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.30370 of 2013

Order:

Heard Sri K.Raghu Ram Prasad, learned counsel appearing for the petitioner and Sri C.Raghu, learned Standing Counsel for the respondents-A.P. Genco.

2. This writ petition is filed seeking to declare the action

of the respondents in not extending the benefit of absorption in the category of Junior Plant Attendant (JPA) with effect from 06-12-1996 as arbitrary, illegal, contrary to law and also in violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to extend the benefit of absorption as JPA with effect from 06-12-1996 as extended to others in pursuance of the orders dated 07-02-2006 in W.P.No.8389 of 2002.

3. The issue involved in the present writ petition has been finally adjudicated upon by the Division Bench of this Court through common judgment dated 06-11-2014 in Writ Appeal No.404 of 2006 and batch, wherein it was held as follows:

“We are of the view that the challenge to B.P.Ms.No.1048, dated 23-9-1989, virtually became nugatory or redundant, once the respondents were extended the benefit of appointment as J.P.As., by relaxing those very qualifications. If they were of the view that the stipulation of the qualification itself is wrong, they were not supposed to reap the benefit under memo, dated 01-12-2000. conversely, once they have availed the benefit under memo, dated 01-12-2000, they cannot challenge B.P.Ms.No.1048, dated 23-9-1989.

However, once the appellants have relaxed the qualifications and appointed the respondents as J.P.As., the date of such appointment ought to have been 06-12-1996, as was done in the case of other candidates, who were appointed in the year 1998. This can be for the limited purpose of fixation of pay scales for the respondents, who were discharging the same functions as those that were appointed as J.P.As., in the year 1998, with effect from 06-12-1996. The learned Single Judge granted the relief in those lines and we do not find any basis to interfere with the same.

However, the apprehension of the appellants as well as J.P.As., who have been appointed in the year 1998, that the respondents herein may claim seniority over them, cannot be ignored. Since the respondents herein i.e. the writ petitioners, did not hold the same qualifications as the persons regularised in 1998, they deserve to be treated as juniors to them.

With this clarification, we dispose of the writ appeals and writ petitions, upholding the order passed by the learned Single Judge. There shall be no order as to costs.”

4. This writ petition is, therefore, disposed of in terms of the common judgment dated 06-11-2014 in W.A.No.404 of 2006 and batch passed by the Division Bench of this Court, with the direction that the observations made therein shall be read as part of this order. The miscellaneous petitions, if any, pending in this writ petition shall stand closed.
No costs.

R.KANTHA RAO, J.

28th July, 2015.
Ak

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.30370 of 2013

28th July, 2015.
(Ak)