

\* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN  
AND  
HON'BLE SRI JUSTICE M.GANGA RAO

+ Writ Petition No.16019 of 2015

% Date: 04-12-2017

- # 1. M.Narasimhulu, S/o Panchalaiah, Aged 57 years,  
Occ: Tahsildar, Kovur Mandal, SPSR Nellore District
2. G.Susheela, W/o Prabhudas, Aged 56 years,  
Occ: Tahsildar, Sangam Mandal, SPSR Nellore District
- ... Petitioners

Vs.

- \$ 1. G.Ramakrishna Reddy, S/o G.Ganga Reddy,  
Aged 45 years, Occ: Tahsildar, Ananthapur,  
R/o H.No.1-2-589, Gowrav Gardens,  
R.K. Nagar, Ananthapur
2. C.Guna Bhushana Reddy, Occ: Tahsildar, Rajampet,  
Kadapa District
3. B.Pullaiiah, Occ: Tahsildar, Sidhout (M), Kadapa Dist.,
4. G.Suvarna, Occ: Tahsildar, Penumur (M), Chittoor Dist.,
5. V.Venkat Reddy, Occ: Spl. Tahsildar,  
Urban Land Ceiling, Hyderabad
6. E.Raju, Occ: Tahsildar, Beemgul, Nizamabad Dist.,
7. S.Rajesh Kumar, Occ: Tahsildar, Keesara (M),  
Ranga Reddy Dist.,
8. V.Bhujanga Rao, Occ: Tahsildar, Ramagundam,  
Karimnagar Dist.,
9. A.G. Chinni Krishna, Occ: Tahsildar, Eluru,  
West Godavari Dist.,
10. P.Leela, Occ: Tahsildar, Secunderabad (M)
11. R.Ratna Kalyani, Occ: Tahsildar, Himayat Nagar (M),  
Hyderabad
12. M.Bixapathy Naik, Occ: Tahsildar, Ranga Reddy Dist.,
13. R.Prabhakar, Occ: Tahsildar, Marripudi (M),  
Prakasam Dist.,
14. M.Gandhi, Occ: Tahsildar, Chimakurthy (M),  
Prakasam Dist.,
15. B.Mallaiah, Occ: KRC Tahsildar on leave,  
Narasaraopet, Guntur Dist.,
16. D.Laxma Reddy, Occ: Tahsildar, Vizianagaram (M),  
Vizianagaram Dist.,
17. S.Bhaskar Reddy, Occ: Tahsildar, Anakapalli,  
Visakhapatnam Dist.,
18. M.Appa Rao, Occ: Tahsildar, Ramabhadrapuram (M),  
Vizianagaram Dist.,
19. B.Santhi, Occ: Tahsildar, Polaki (M), Srikakulam Dist.,
20. Pentapati Srinivasa Rao, Occ: Tahsildar, Kovvur,  
West Godavari Dist.,
21. P.Sarojini, Occ: M.R.O., Darsi, Prakasam Dist.,
- ... Respondents/Applicants in O.A.No.5890/2010

22. The State of A.P., Rep. by its Prl. Secretary,  
Revenue Dept., Secretariat, Hyderabad
23. The Chief Commissioner of Land Administration,  
Station Road, Nampally, Hyderabad
24. The District Collector, SPSR Nellore Dist., at Nellore
25. The A.P. Administrative Tribunal, Rep. by its Registrar,  
Purani Haveli, Hyderabad  
... Respondents/Respondents
26. The District Collector, Ananthapur & 11 others
38. S.Deena Anita & 19 others  
... Respondents/Formal Parties

! Counsel for Petitioners: Mr. M.R. Tagore

Counsel for Respondents 22to37: Government Pleader for  
Services-I (A.P.)

Counsel for Respondents 1, 5, 7, 13 & 18:

Mr. J.R. Manohar Rao

Counsel for Respondents 2to4, 6, 8to12, 14to17, 19to21 &  
38to57: ---

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> Head Note:

? Cases referred:  
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN  
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Writ Petition No.16019 of 2015

Order: (per V.Ramasubramanian, J.)

The petitioners who were promoted to the posts of Deputy Tahsildar and Tahsildar in the Revenue Subordinate Service, from various posts in the Ministerial Service, have come up with the above writ petition challenging an order of the Andhra Pradesh Administrative Tribunal, Hyderabad, allowing an application filed by the unofficial respondents herein, who are direct recruits to the post of Tahsildar.

2. Heard Mr. M.R. Tagore, learned counsel for the petitioners, the learned Government Pleader for Services-I (Andhra Pradesh) and Mr. J.R. Manohar Rao, learned counsel appearing for the unofficial respondents 1, 5, 7, 13 and 18.

3. By a Notification bearing No.8/1990, the Andhra Pradesh Public Service Commission invited applications for recruitment to various posts. Eventually, 533 candidates were selected for appointment to various posts, including the post of Deputy Tahsildar.

4. Several writ petitions were filed on the ground that only 386 vacancies are sought to be filled up, though the Notification was for 533 vacancies. Eventually, there were directions to fill up the remaining 147 vacancies (533-386). Therefore, 44 candidates came to be appointed in January, 1996 as Deputy Tahsildars.

5. Three out of 44 candidates filed an application in O.A.No.376 of 2001 on the file of the A.P. Administrative Tribunal, seeking the fixation of their seniority along with their colleagues, in the batch of candidates appointed in the year 1995. The original application was allowed by the Tribunal by an order dated 12-02-2002.

6. Pursuant to the said order, the Government issued G.O.Ms.No.255, Revenue (Ser.III) Department, dated 15-5-2002, directing all the candidates including the applicants before the Tribunal, to be included in the panel of the year 1994-95 below 386 Probationary Deputy Tahsildars appointed pursuant to Notification No.8/1990.

7. But in the year 2010, when a combined seniority list was prepared, the respondents herein who were direct recruits to the post of Deputy Tahsildars were shown as juniors to persons who were promoted in the meantime, on the basis of their actual date of appointment in January, 1996. Therefore, the unofficial respondents filed an application in O.A.No.5890 of 2010 seeking fixation of seniority, along with their batchmates who were directly recruited pursuant to Notification No.8/1990. This application was allowed by the Tribunal by an order dated 14-11-2014.

8. Aggrieved by the said order and contending that the persons who joined as direct recruits in January, 1996, should not be given seniority over and above those who were

promoted in the year 1995, two of the promotees have come up with the above writ petition.

9. The main contention of the learned counsel for the petitioners is that the petitioners who respectively belong to the Scheduled Tribe and Scheduled Caste, were appointed as a Junior Assistant and Typist in the year 1983 and 1977 respectively and that they were promoted as Deputy Tahsildars on 01-9-1995. Therefore, the claim of the petitioners is that the unofficial respondents who were directly recruited in January, 1996 should not be given seniority over and above the petitioners who were promoted to the post of Deputy Tahsildar on 01-9-1995. The contention of the learned counsel for the petitioners is that if the unofficial respondents are given seniority along with their batchmates selected pursuant to Notification No.8/1990, they will be getting seniority from a date prior to their joining service and that the same is impermissible in law. Yet another contention of the learned counsel for the petitioners is that the unofficial respondents slept over their rights, while the other persons who were appointed along with the unofficial respondents in January, 1996 approached the Tribunal way back in the year 2001, filed an application in O.A.No.376 of 2001, succeeded in the application and got their seniority fixed along with their batchmates. Since the unofficial respondents did not move a little finger as three of their batchmates did in the year 2001, the Tribunal, according to the learned counsel, ought to have

thrown out the application of the unofficial respondents as hopelessly barred by limitation.

10. We have carefully considered the above submissions.

11. Let us first take up for consideration the issue of limitation raised by the learned counsel for the petitioners. It is the case of the petitioners that persons who were appointed directly to the post of Deputy Tahsildars along with the unofficial respondents approached the Tribunal in O.A.No.376 of 2001 and succeeded by a judgment dated 12-02-2002. The unofficial respondents kept quiet from 2002 till 2010 and hence their application should have been thrown out on the ground of limitation.

12. But the above contention is only partly correct both in terms of facts and in terms of law. It is true that while 386 candidates were appointed on 25-7-1995 as Deputy Tahsildars, a group of 44 candidates including the unofficial respondents herein came to be appointed only on 11-01-1996. Out of those 44 candidates, 3 candidates filed O.A.No.376 of 2001 and got an order from the Tribunal directing the State to fix their seniority along with their batchmates.

13. But while implementing the judgment of the Tribunal in O.A.No.376 of 2001, dated 12-02-2001, the Government applied the principle uniformly to all persons included in the said batch. The Government issued G.O.Ms.

No.255, Revenue, dated 15-5-2002, in implementation of the judgment in O.A.No.376 of 2001. In para-8 of the said Government Order, it was stated as follows:

“8. Government after careful examination of the matter hereby order that the seniority of Sri D.Venkata Madhava Rao and other Probationary Deputy Tahsildars appointed in the fallout vacancies vide reference 3<sup>rd</sup> read above be fixed in the panel year 1994-95 below the 386 Probationary Deputy Tahsildars in the respective zones at appropriate places in their common seniority list as suggested by the A.P. Public Service Commission.”

14. It can be seen from the above extract, that the Government did not limit the benefit of O.A.No.376 of 2001 only to the three applicants viz., D.Venkata Madhava Rao, V.Bhujanga Rao and R.Raja Mohan, who were the applicants in O.A.No.376 of 2001. On the contrary, the Government used the following words in para-8 of G.O.Ms.No.255:

“D.Venkata Madhava Rao and other Probationary Deputy Tahsildars appointed in the fallout vacancies”.

The Government Order was also understood by the Chief Commissioner of Land Administration, only in the manner in which we are now understanding it. This can be seen from the proceedings of the Chief Commissioner of Land Administration in his reference No.X4/1028/2001, dated 16-8-2002. The operative portion of the said proceedings of the Chief Commissioner, dated 16-8-2002, issued pursuant to G.O.Ms.No.255 reads as follows:

“Accordingly the Collectors in the State are requested to take action for fixing the seniority of (44) candidates

(Pro. Dy. Tahsildar) joined subsequently during the month of February 1996 in the resultant fallout/relinquished vacancies of Prl. Dy. Tahsildars in the panel year 1994-95 below the names of Pro. Dy. Tahsildars in the respective districts of appropriate places in the common seniority list as ordered by the Government in their G.O.Ms.No.255 Revenue (Ser.II) Department dated 15-5-2002 read with Government Memo No.19735 Revenue Ser.II(2)/2001-6 dated 25-7-2002 and report compliance along with proposals for assigning notional seniority by the Government relaxing G.R. 33(a) of A.P.S. & S.S. Rules, 1996 in their favour. A copy of the Government Orders 2<sup>nd</sup> cited is sent herewith.”

15. Thereafter, separate orders were issued in respect of Karimnagar and Medak Districts under G.O.Ms.No.396, dated 15-3-2003 and G.O.Ms.No.479, dated 29-3-2003.

16. However, in the year 2010, when a seniority list was issued, the persons other than the three applicants before the Tribunal in O.A.No.376 of 2001 were shown as juniors. Therefore, representations were made which came to be rejected by the proceedings dated 04-3-2011 and 18-3-2011. This lead to the filing of O.A.No.5890 of 2010, out of which the present writ petition arises.

17. If the unofficial respondents have been lulled into a sense of false security, on account of the wording contained in para-8 of G.O.Ms.No.255, dated 15-5-2002, till things became clear under the seniority list of the year 2010, then the issue of limitation cannot be put against the unofficial respondents. Therefore, the contention regarding the limitation cannot be accepted.

18. On merits, it may be true that the petitioners herein became Deputy Tahsildars on 01-9-1995 by way of promotion or recruitment by transfer from the Ministerial Service. It is also true that the unofficial respondents got appointed only on 11-01-1996. But the direct recruitment of the unofficial respondents was pursuant to Notification No.8/1990, which got bogged down by limitation for a period of 5 years, until the first batch of 386 persons got appointed on 25-7-1995.

19. The unofficial respondents were not included in the waiting list or reserve list to be appointed later. They were left out of the first list released on 25-7-1995. This was recognised and the Government issued an order later appointing them. Therefore, this is not a case where the unofficial respondents were claiming seniority from a date before their appointment. The entire batch of direct recruits, of a particular panel year, constitutes one single class and there cannot be different criteria. Among the persons directly recruited pursuant to Notification No.8/1990, the unofficial respondents may have to take the bottom most seniority in view of their date of joining. But vis-à-vis the promotees they cannot be pushed to a different year of allotment or year of recruitment.

20. Therefore, the Tribunal was right in allowing the original application and we see no justification to interfere with the same. Hence, the writ petition is dismissed.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

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V.RAMASUBRAMANIAN, J.

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M.GANGA RAO, J.

04<sup>th</sup> December, 2017.  
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AND  
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Writ Petition No.16019 of 2015  
(per VRS, J.)



04<sup>th</sup> December, 2017.  
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