THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION Nos.2531 OF 2012, 987 OF 2011, 32307, 30909 & 27702 OF 2010 AND 26439 OF 2007.

COMMON ORDER:

W.P.No.2531 of 2012 is filed under Article 226 of the Constitution of India seeking the following relief:

> ***"to issue a writ, order or direction more in the nature of Mandamus or otherwise declaring the para 5 (1), (2), (4), (7) and (8) is concerned issued in G.O.Ms.No.125 dated 15.10.2004 by the 1st respondent and consequential para 4(1) (2) (4) (6) and (8) in TOO Ms.No.181 dt.9.11.2004 issued by the 3rd respondent in so far as it relates to affecting the fundamental rights of the petitioner is concerned in not extending the service benefits violating the conditions in Proc.C.O.O. (CGM-HRD) Ms.No.193 dt.1.12.2004 in para 4 as arbitrary, illegal, malafide, discriminatory violating principles of natural justice besides violating Article 14, 16 and 21 of the Constitution of India and set aside the same, and issue consequential directions, directing the respondents to extend all the service benefits i.e. seniority, promotions pay fixations, taking into account the proceedings TOO (Per.CGM/HRD & Trg) Ms.No.114 dt.2.9.2009 including the proceedings as was on in proceedings TOO (Per.CGM/HRD & Trg) Rt.No.342 dt.9.9.2010 respectively issued by the 3rd respondent, with all consequential benefits."***

W.P.No.987 of 2011 is filed under Article 226 of the Constitution of India seeking the following relief:

> ***"to issue a writ, Order, direction more in the nature of Mandamus or otherwise declaring the para 5 (1), (2), (4), (7) and (8) is concerned issued in G.O.Ms.No.125 dt.15.10.2004 by the 1st respondent and consequential Para 4 (1) (2) (4) (6) and (8) in TOO Ms.No.181 dt.9.11.2004 issued by the 3rd respondent in so far as it relates to affecting the fundamental rights of the petitioner is concerned in not extending the service benefits, and violating the conditions***

in Proc.C.O.O (CGM-HRD) Ms.No.193 dt.1.12.2004 in para 4 as arbitrary, illegal, malafide, discriminatory violating principles of natural justice besides violating Article 14, 16 and 21 of the Constitution of India and set aside the same, and issue consequential directions, directing the respondents to extend all the service benefits i.e. seniority, promotions pay fixations, taking into account the proceedings proceedings TOO (Per.CGM/HRD & Trg) Ms.No.114 dt.2.9.2009 including the proceedings as was on in proceedings TOO (Per.CGM/HRD & Trg) Rt.No.342 dt.9.9.2010 respectively issued by the 3rd respondent, with all consequential benefits."

W.P.No.32307 of 2010 is filed under Article 226 of the Constitution of India seeking the following relief:

"to issue a writ, order, direction more in the nature of Mandamus or otherwise declaring the para 5 (1), (2), (4), (7), and (8) is concerned issued in G.O.Ms.No.125 dated 15.10.2004 by the 1st respondent and consequential para 4(1) (2) (4) (6) and (8) in TOO Ms.No.181 dated 09.11.2004 issued by the 3rd respondent in so far as it relates to affecting the fundamental rights of the petitioner is concerned in not extending the service benefits, and violating the conditions in Proc.C.O.O. (CGM-HRD) Ms.No.193 dated 01.12.2004 in para 4 as arbitrary, illegal, malafide, discriminatory violating principles of natural justice besides violating Article 14, 16 and 21 of the Constitution of India and set aside the same, and issue consequential directions, directing the respondents to extent all the service benefits ie., seniority promotions pay fixations taking into account the proceedings TOO (Per.CGM/HRD & Trg) Ms.No.114 dated 02.09.2009 including the proceedings as was on in proceedings TOO (Per. CGM/HRD & Trg) Rt.No.342 dated 09.09.2010 respectively issued by the 3rd respondent, with all consequential benefits"

W.P.No.30909 of 2010 is filed under Article 226 of the Constitution of India seeking the following relief:

"to issue a writ, order or direction more in the nature of Mandamus or otherwise declaring the para 5(1), (2), (4), (7) and (8) is concerned in G.O.Ms.No.125 dated 15.10.2004 issued by the 1st respondent and consequential Para 4(1) (2) (4) (7) and (8) in TOO Ms.No.181 dated 09.11.2004 issued by the 3rd respondent, in so far as it relates to affecting the fundamental rights of the petitioners is concerned in not extending the service benefits as arbitrary, illegal, malafide, discriminatory violating principles of natural justice besides violating Article 14, 16 and 21 of the Constitution of India and set aside the same, and issue consequential directions, directing the respondents to extend all the service benefits i.e., seniority, promotions, pay fixations, taking into account the proceedings TOO (Per.CGM/HRD&Trg) Ms.No.114 dated 02.09.2009 including the Proceedings as was on in Proceedings TOO (Per.CGM/HRD&Trg) Rt.No.342 dated 09.09.2010 respectively issued by the 3rd respondent, with all consequential benefits ."

W.P.No.27702 of 2010 is filed under Article 226 of the Constitution of India seeking the following relief:

"to issue a writ order or direction in the nature of mandamus or otherwise declaring the action of the respondents in treating the petitioners as covered under the EPF scheme from the date of their appointment instead of GPF scheme taking into account the date of their appointment as appointed prior to 01-02-1999 on par with regular employees of APSPDCL employees in terms of the Memo No.Addl.Secy/DS[L&P/AS[L]/PO{IR]/JPO-1/065/03 dated 16.10.2008 issued by the 3rd respondent as arbitrary, illegal discriminatory, malafide violating Article 14, 16 and 21 of the constitution of India, and issue consequential directions, declaring that the petitioners are eligible and entitled for the pension benefits available under the GPF Scheme on par with the regular APSPDCL employees in terms of the Memo No.Addl.Secy/DS[L&P/AS[L]/PO{IR]/ JPO-1/065/03 dated 16.10.2008 issued by the 3rd respondent, with all consequential benefits including RPS, increments, allowances, seniority."

W.P.No.26439 of 2007 is filed under Article 226 of the Constitution of India seeking the following relief:

> ***"to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the conditions No.1, 2, 4 & 7 imposed through G.O.Ms.No.125, Energy (PR.II) Department, dated 15.10.2004 issued by the 1st respondent and the consequential proceedings in T.O.O. (Per-Addl. Secy) Ms.No. 181, Personnel Services, dated 09.11.2004 and S.O.O. (CGM-HRD) Ms.No.63, dated 14.12.2004 issued by the respondents No.2 & 3 herein respectively as arbitrary, illegal, contrary to the provisions of Section 23 of the Indian Contract Act, 1872 and settled principles of legal position apart from being violative of fundamental rights guaranteed to the petitioners under Articles 14, 16 & 21 of the Constitution of India and consequently set aside the same and also direct the respondents to extend all the benefits to the petitioners also on par with the employees of respective erstwhile APSEB/APSPDCLs and pass such other order or orders as are deemed fit and proper in the circumstances of the case."***

2. When the matters are called, it is brought to the notice of this Court that already the Chairman & Managing Director, A.P.S.P.D.C.L., Tirupati, Chittoor District addressed a letter, dated 15.03.2011, to the Principal Secretary, Energy Department, A.P. Secretariat seeking instructions to take further action regarding extending the benefits of 1) Promotions, 2) G.P.F. Pension Scheme and 3) Compassionate Appointments to the petitioners herein on par with A.P.S.P.D.C.L. employees since similar benefits were extended to erstwhile Allwyn employees in A.P.S.P.D.C.L., and the same is pending.

3. Learned counsel appearing on both sides informed that in response to the aforesaid letter, this Court may direct the Principal Secretary, Energy Department, A.P. Secretariat to give instructions

to the Chairman & Managing Director, A.P.S.P.D.C.L., Tirupati as expeditiously as possible.

4. Having perused the material available on record and considering the facts and circumstances of the case and also in view of the fact that the issue involved in all these writ petitions is one and the same, all the writ petitions are being disposed of by way of this common order with the following direction:

In response to the letter, dated 15.03.2011, the Principal Secretary, Energy Department, A.P. Secretariat is hereby directed to issue instructions to the Chairman & Managing Director, A.P.S.P.D.C.L., Tirupati, Chittoor District as expeditiously as possible, preferably, within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in these writ petitions shall stand closed.

JUSTICE RAJA ELANGO

Date: 27.2.2017
AMD

THE HON'BLE SRI JUSTICE RAJA ELANGO

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

WRIT PETITION Nos.2531 OF 2012, 987 OF 2011, 32307, 30909 & 27702 OF 2010 AND 26439 OF 2007.

DATE: 27.2.2017

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