

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT APPEAL No.1243 of 2017

Date:30.8.2017

Between:

Kota Lakshminarayana Sastry,
S/o K.S.R.Bhaskara Sarma

..... Appellant

And:

The State of Telangana, repled by its
Special Chief Secretary, Irrigation &
Command Area Development
Department, Hyderabad and eight others.

..... Respondents

Counsel for the appellant: Mr. M.Sudheer Kumar

Counsel for respondent Nos.1 & 2: GP for Services (TS)

Counsel for respondent Nos.3 & 4: GP for Services (AP)

Counsel for respondent Nos.5 to 9: Mr. P.Bala Krishnamurthy

The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The appellant, who is a third party to Writ Petition No.24835 of 2017, filed this Writ Appeal with leave in order to assail order, dated 27.7.2017, passed by the learned single Judge in WPMP.No.30781 of 2017 in Writ Petition No.24835 of 2017. By the said order, the learned single Judge has suspended the operation of Circular Memo No.RC/ENC/A2/03032015/2015, dated 05.7.2017, of respondent No.4, whereby he has revised the final seniority list after disposing of the objections.

The main grievance of respondent Nos.5 to 9, who filed the afore-mentioned Writ Petition, was that the seniority list was revised in such a manner that respondent No.4 had given the benefit of retrospective seniority to several persons even for the period prior to the date of their entering into service, either as temporary or regular employees.

The learned single Judge in the order under appeal observed that the respondents are unsettling the settled seniority list of 1978 batch.

Mr. M.Sudheer Kumar, the learned counsel for the appellant, and also both the learned Government Pleaders for Services for the States of Andhra Pradesh and Telangana

submitted that it has become imperative for the State to revise the seniority list following the judgment of the Supreme Court in *D.Vishnu Murthy Vs. Government of AP and others*¹, which reversed the judgments of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') as well as of this Court holding that allowing of second round of options from the employees is illegal and that, if the service conditions of the temporary employees, governed under G.O.Ms.No.647, dated 14.9.1979, were altered in any manner based on the orders of the Tribunal, the official respondents were directed to reverse the same and rework the benefits to be granted to the appellants therein in accordance with law.

Mr. M.Sudheer Kumar, the learned counsel for the appellant, submitted that his client is on the verge of retirement; that he belongs to Zone-II, which falls in the State of Andhra Pradesh; and that, as a result of the blanket interim order passed by the learned single Judge, the revision of seniority of all the Zones has come to a stand still.

Learned Government Pleader for Services (Andhra Pradesh) submitted that Contempt Cases are coming up before the Supreme Court complaining that the Government is not

¹ (2016) 13 SCC 111

revising the seniority list as directed in *D.Vishnu Murthy* (supra) and the interim order granted by the learned single Judge has placed the Government and its officials in a predicament as, they are not in a position to proceed with the finalisation of the seniority list in compliance with the directions contained in *D.Vishnu Murthy* (supra).

Mr. P.Balakrishna Murthy, the learned counsel for respondent Nos.5 to 9, submitted that if the revised seniority list is given effect to, there is a possibility of his clients, who have already retired from service, being reverted from the post of Superintendent Engineers/Executive Engineers leading to reduction in their pay scale, which would result in reduction of not only their status but also the pension.

In the light of the above circumstances, we feel inclined to modify the interim order passed by the learned single Judge pro tempore to the following effect:

The official respondents are permitted to take further steps in pursuance of the revised seniority list, subject, however, to the condition that as far as the retired employees, including respondent Nos.5 to 9, are concerned, such revision shall not result in reduction in payment of their pension till such time as

the interlocutory applications pending before the learned single Judge are disposed of.

Subject to the modification of the order of the learned single Judge as above, the Writ Appeal stands disposed of.

As a sequel to disposal of the Writ Appeal, WAMP.No.2286 of 2017 is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

3^{0th} August 2017

DR

