

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**W.P.(TR).NO.730 OF 2017**

**ORDER**

This writ petition is filed for the following reliefs:

- (a) to declare the revised provisional seniority list of Assistant Executive Engineers dated 3-6-2013 issued by the 2<sup>nd</sup> respondent in so far as it relates to the petitioner and the entries relating to the applicant (in respect of date of commencement of his probation), as illegal, arbitrary and discriminatory and therefore violative of Articles 14 and 16 of the Constitution of India.
- (b) Further declare that the 2<sup>nd</sup> respondent has no power to show the date of commencement of probation of the petitioner as 1.1.1989.
- (c) Further declare that the date of commencement of probation of the petitioner shall be continued to be shown as 27.2.1986 and that his position in the seniority list shall be shown accordingly.

Learned counsel appearing for the petitioner and the learned Assistant Government Pleader for Services submitted that the relief sought for by the petitioner is squarely covered by the order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.5223 of 2013 and batch dated 03.11.2016, wherein the learned Tribunal relying on the judgment of the Apex Court in ***R.VENKATA RAMUDU vs. STATE OF A.P.***<sup>1</sup> allowed the claim of the petitioners therein and hence the same order may be passed.

As the Administrative Tribunal was abolished for the State of Telangana, the matter was transferred from Tribunal and numbered as writ petition.

The relevant portion of the order dated 03.11.2016 passed by the Tribunal in O.A.No.5223 of 2013 and batch reads as under:

“18.The applicants covered by this batch of O.As. are also directly recruited Assistant Executive Engineers through selection process by APPSC and, therefore, in the light of the judgment of the Hon'ble Supreme Court referred to above, are entitled for the reliefs.

19. For the foregoing reasons, this Tribunal is of the considered view that Rule – 16(h) of A.P.State and Subordinate Services Rules has no application in so far as directly recruited Assistant Executive Engineers through selection process by the APPSC are concerned and their seniority is to be fixed with reference to the merit ranking at the time of recruitment assigned by the APPSC, the recruiting agency.

Point is answered accordingly.

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<sup>1</sup> Civil Appeal Nos.9856 – 9860 of 2016 dated 27-09-2016

20. In view of the finding on the point, the OAs of this batch are allowed setting aside the impugned seniority list of 2<sup>nd</sup> respondent vide Memo No.SOI(3)/5346/2013 dated 08.07.2013 of Zone –IV, vide memo No.SOIII(3)/43675/2005 dated 11.07.2013 of Zone-II, vide memo No.SOIII(A)/00009/2005 dated 18.07.2013 of Zone V, with a direction to consider their respective claims for regular promotion subject to their seniority, eligibility and if comes within the zone of consideration, duly taking into consideration the judgment of the Hon'ble Supreme court in the Civil Appeals referred to above on the subject and the respective confirmed seniority lists.”

In view of above representation of both the counsel, the present writ petition is allowed *mutatis mutandis* in terms of the order dated 03.11.2016 in O.A.Nos.5223 of 2013 and batch.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

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**A.RAJASHEKER REDDY,J**

Date:22—03—2018

AVS

