

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

*THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

and

*THE HON'BLE SRI JUSTICE M. GANGA RAO

+Writ Petition Nos.30413 and 37770 of 2016, 6822, 7870, 8918,
9072, 20236, 27650 of 2017, W.P.(TR).No.3171 and 3203 of 2017

% 31 -01-2018

W.P.No.30413 of 2016:

Between:

M. Hanumantha Rao, S/o M. Shankar Rao,
Aged 45 years, Special Officer, Gajwal area
Development Authority (GADA), Medak District,
Resident of Behind Annapurna Rice Mill, 1st Floor,
GDA Office, Gajwel, Medak District.

... Petitioner

Vs.

\$ State of Andhra Pradesh, represented by its
Principal Secretary, Revenue Department, Secretariat
Building, Hyderabad and 8 others

.. Respondents

W.P.No.37770 of 2016:

Between:

S. Sarala Vandanam, W/o Y. Venu Gopal Reddy,
Aged 52 years, Occ: Special Grade Deputy Collector,
R/o Flat No.102, Parimala Tej Apartments,
H.No.16-11-1/1/102, Saleemnagar Colony, Malakpet,
Hyderabad and another

... Petitioners

Vs.

\$ State of Telangana, represented by its Special
Chief Secretary, Revenue Services I Department,
Telangana Secretariat, Hyderabad and 6 others

.. Respondents

W.P.No.6822 of 2017:

Between:

D. Sanjeeva Reddy, S/o Narayana Reddy,
54 years, Occ: Joint Collector, Suryapet District,
Government of Telangana

B. Rajesham, S/o B. Pentaiah, aged 52 years,
Occ: Special Grade Deputy Collector, working as
Member Estates, Hyderabad Metropolitan Development
Authority, Hyderabad

... Petitioners

Vs.

\$ State of Andhra Pradesh, represented by its
Principal Secretary, Revenue Department,
A.P. Secretariat, Velagapudi, Guntur District
and 7 others.

.. Respondents

W.P.No.7870 of 2017:

Between:

M. Satyavani, D/o M. Veerendranath, aged 49 years,
Working as Deputy Chief Electoral Officer, (in the cadre
of Special Grade Deputy Collector), O/o Chief Election
Officer, GAD, (Elections), Secretariat, South H Block,
Telangana, Hyderabad and 2 others

... Petitioners

Vs.

\$ State of Telangana, represented by its
Principal Secretary, Revenue Department, Secretariat
Building, Hyderabad and 4 others

.. Respondents

W.P.No.8918 of 2017:

Between:

A. Surya Prakash, S/o late A. Veeranna Chowdary,
aged bout 56 years, Occ: Project Officer, (Special
Grade Deputy Collector), A.P. Micro Irrigation Project
1st floor, TTPC Building, Old Malakpet Yard,
Chuttugunta, Guntur, Guntur District

... Petitioner

Vs.

\$ State of Andhra Pradesh, represented by its
Special Chief Secretary, Revenue Department,
A.P. Secretariat, 4th floor, Velagapudi, Amaravathi,
Guntur and 5 others

.. Respondents

W.P.No.9072 of 2017:

Between:

G. Sandhya Rani, W/o G. Gajanan, aged about 52 years,
Presently working as District Revenue Officer (Special
Grade Deputy Collector), Vikarabad District, R/o Plot No.203,
Srimitra Residency, Amberpet, Hyderabad

... Petitioner

Vs.

\$ State of Telangana, represented by its
Principal Secretary, Revenue Department, Secretariat
Hyderabad and 5 others

.. Respondents

W.P.No.20236 of 2017:

Between:

B. Rajesham, S/o Pentaiah, aged about 54 years,
Occ: Special Grade Deputy Collector, working as
Estate Officer, HMDA, Tarnaka, Hyderabad

... Petitioner

Vs.

\$ State of Andhra Pradesh, represented by its
Principal Secretary, Revenue Department,
A.P. Secretariat, Velagapudi, Guntur District
and 2 others

.. Respondents

W.P.No.27650 of 2017:

Between:

S. Sarala Vandanam, W/o Y. Venu Gopal Reddy,
Aged about 53 years, Occ: Special Grade Deputy
Collector, R/o Flat No.102, Parimala Tej Apartments,
H.No.16-11-1/1/102, Saleemnagar Colony, Malakpet,
Hyderabad and another

... Petitioners

Vs.

\$ State of Andhra Pradesh, represented by its
Secretary, Revenue (Services I), Department,
Secretariat Hyderabad and 5 others

.. Respondents

W.P(TR).No.3171 of 2017:

Between:

A.V. Rama Prasad, S/o A. Seetha Ramaiah,
Aged 52 years, Occ: Special Grade Deputy Collector,
Working as Asst. Secretary to Government,
O/o Revenue Department, A.P. Secretariat,
Hyderabad, R/o Flat No.104, Dr. K.L. Rao Residency,
Vidyanagar, Hyderabad

... Petitioners

Vs.

\$ State of Andhra Pradesh, represented by its
Principal Secretary, Revenue Department,
A.P. Secretariat, Hyderabad and 4 others

.. Respondents

W.P(TR).No.3203 of 2017:

Between:

D. Sanjeeva Reddy, S/o D. Narayana Reddy, aged
About 52 years, Occ: Deputy Collector (waiting
for posting), Revenue Department, State of Telangana,
Secretariat, Hyderabad and another

... Petitioners

Vs.

\$ State of Andhra Pradesh, represented by its
Principal Secretary, Revenue Department,
A.P. Secretariat, Hyderabad.

.. Respondents

! Counsel for the Petitioners : Mr. K.G. Krishna Murty, Sr. counsel
Mr. M. Surender Rao, Sr. counsel
Mr. J. Sudheer,
Mr. P.V. Krishnaiah
Mr. K.V. Satyanarayana Murty,
Mr. D. Linga Rao
Mr. G. Purushotham Reddy,
Mr. M. Ratna Reddy,

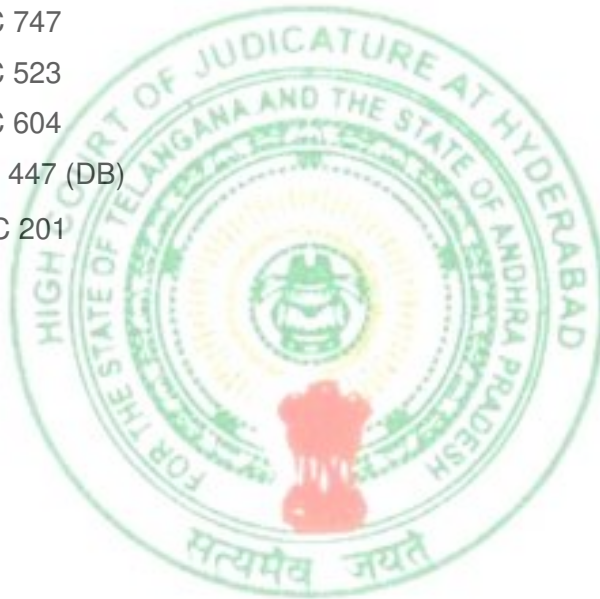
Counsel for the respondents : G.P. for Services-I

< Gist:

> Head Note:

? Cases referred:

1. (1988 (2) SCC 201)
2. 2001 (4) SCC 443
3. (2006) 8 SCC 129
3. (2008) 1 SCC 747
5. (1998) 2 SCC 523
6. (2003) 8 SCC 604
7. 2011 (2) ALD 447 (DB)
8. (1998) 2 SCC 201



HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE M. GANGA RAO

**Writ Petition Nos.30413 and 37770 of 2016, 6822, 7870, 8918,
9072, 20236, 27650 of 2017, W.P.(TR).No.3171 and 3203 of 2017**

COMMON ORDER: (V. Ramasubramanian, J)

All the writ petitions on hand arise out of various proceedings culminating in the issue of revision of the seniority of Deputy Collectors and the approval of the regular Panels of Deputy Collectors for the period from 1994-95 to 2013-14.

2. We have heard Mr. K.G. Krishna Murthy, learned senior counsel, Mr. M. Surender Rao, learned senior counsel, Mr. J. Sudheer, Mr. P.V. Krishnaiah, Mr. K.V. Satyanarayana Murthy, Mr. D. Linga Rao, Mr. G. Purushotham Reddy and Mr. M. Ratna Reddy, learned counsel appearing for the individuals, who are either of the petitioners in the writ petitions or the contesting respondents or newly impleaded respondents in the writ petitions and the learned Government Pleader for Services-I for the State of Andhra Pradesh for the official respondents.

3. Since the batch of cases on hand has a long history, it would be useful to record the same as follows:

(a) Under G.O.Ms.No.1279, General Administration (Rules) Department, dated 12-10-1961, the Government of Andhra Pradesh issued the Special Rules for Andhra Pradesh Revenue Subordinate Service. The service comprised of only one post namely the post of Deputy Tahsildars. Three different

methods were prescribed for appointment to the said post. They were (1) direct recruitment (2) transfer from among the Assistant Section Officers of the Andhra Pradesh Secretariat Service; and (3) transfer from among the Senior Assistants of the Andhra Pradesh Ministerial Service employed in the Revenue Department. There was also a ratio of 1:1 prescribed for appointment by the methods of direct recruitment and recruitment by transfer.

- (b) During the year 1962 and 1963, a group of direct recruit Deputy Tahsildars approached the Andhra Pradesh High Court challenging the assignment of seniority to the promotees over and above them. The challenge was rejected first by a single Judge and then by a Division Bench on the basis of Rule 33 (a) of the Andhra Pradesh State and Subordinate Service Rules, 1964. As against the decision of the Division Bench, a Special Leave Petition was filed on the file of the Supreme Court.
- (c) It must be pointed out that the Rules as they were issued in 1961 did not contain a stipulation as to the method of fixation of seniority of persons appointed to the post of Deputy Tahsildars, despite the fact that the appointment was to be from two different streams.
- (d) However, by G.O.Ms.No.4582, Revenue (Z) Department, dated 09-10-1980, a provision was inserted under Rule 4 to the following effect:

“the inter-se seniority between the direct recruits to the category of Deputy Tahsildars and promotees to the category of Deputy Tahsildars shall be determined from the date of their confirmation in the substantive vacancy in that category in the proportion of 1:1 as provided in sub-rule (b) of Rule 3.”

- (e) Challenging the validity of the amendment, a group of promotees filed applications before the Andhra Pradesh Administrative Tribunal. The Full Bench of the Andhra Pradesh Administrative Tribunal held that General Rule 33 (a) was incapable of determining the *inter se* seniority between direct recruits and promotees and that therefore, the amendment was a necessity of time. Accordingly, the Tribunal upheld the amendment.
- (f) Challenging the decision of the Full Bench of the Tribunal, a Special Leave Petition was filed before the Supreme Court. While they were pending, two groups of Deputy Tahsildars recruited by the method of transfer also approached the Supreme Court by way of writ petitions under Article 32 of the Constitution. The Special Leave Petition as well as the writ petitions were taken up together and by a judgment rendered on 24-02-1988 and reported in ***K.V. Subba Rao v. Government of Andhra Pradesh***¹, the Supreme Court upheld the amendment, but made it clear that the amendment will only have prospective effect and not retrospective effect. The Supreme Court also issued direction in ***K.V. Subba Rao*** to the State Government to compute the substantive vacancies in the

¹(1988 (2) SCC 201)

cadre, determine the quota of direct recruits and fill up the same by making direct recruitments within four months. The State was also directed by the Supreme Court to draw up the seniority list on the basis of Rule 4 (e) on or before 31-12-1988.

- (g) Within 4 years of the dust settling down, the Government came up with a new set of Rules under G.O.Ms.No.990 Revenue (Ser.III) Department, dated 24-09-1992, in supersession of the 1961 Rules. Under the new Rules, the ratio between direct recruitment and recruitment by transfer was altered to 30% : 70% (instead of 1:1). The amended Rules also provided that notwithstanding Rule 4 (e) as amended on 09-10-1980, the seniority of a person appointed as Deputy Tahsildar will be governed by General Rule 33, as per which continuous service and not confirmation would be the criterion.
- (h) In the meantime *adhoc* promotions to the post of Tahsildars became the subject matter of a litigation before the A.P. Administrative Tribunal in the year 1991 in which the Tribunal issued certain directions. Following those directions, the Commissioner of Land Revenue issued a communication dated 23-09-1994, holding that persons appointed before the issuance of the new set of Rules dated 23-09-1992 would be governed by the previous set of Rules prescribing a ratio of 1:1 and the fixation of seniority as per Rule 4 (e). The State Government also issued a clarificatory order on 14-08-2007 to

the effect that the directly recruited Deputy Tahsildars appointed prior to 24-09-1992 are entitled to have their seniority list fixed in accordance with the Rule 4 (e) as it stood then.

- (i) But the promotee Deputy Tahsildars again approached the Tribunal seeking a direction to redraw the seniority list as per the amended Rules dated 24-09-1992. The Tribunal dismissed the applications filed by the promotees, but the decision of the Tribunal was set aside by the High Court. The High Court held that the seniority list has to be redrawn in accordance with the amended Rules on the basis of the total length of service without reference to the date of confirmation. Therefore, the direct recruit Deputy Tahsildars landed up before the Supreme Court.
- (j) When the appeals filed by the direct recruit Deputy Tahsildars in Civil Appeal Nos.3054, 3055 and 3056 of 1998 came up for hearing before a Two Member Bench of the Supreme Court, the Bench held that there was a conflict between the decision in ***K.V. Subba Rao*** (referred to supra) and ***Wing Commander J. Kumar v. Union of India*** (1982 (2) SCC 116). Therefore, by an order dated 14-12-2000, passed in **P. Mohan Reddy E.A.A. Charles and others** in Civil Appeal Nos.3054 to 3056 of 1998, the Two Member Bench referred the matter to a Three Judge Bench.

- (k) By a decision reported in **P. Mohan Reddy E.A.A. Charles²**, a Three Member Bench of the Supreme Court upheld the decision in **K.V. Subba Rao** and overruled the decision in **Wing Commander J. Kumar v. Union of India**. As a consequence, the Supreme Court held that the seniority of Deputy Tahsildars appointed during the period from 10-04-1980 to September 1992 should be determined in accordance with the pre-amended Rules and not in accordance with the 1992 Rules and that even if factually such seniority has not been drawn up, then the same has to be drawn up in accordance with the criteria indicated in the pre-amended Rules.
- (l) The decision of the Three Member Bench in **P. Mohan Reddy** was pronounced on 16-02-2001.
- (m) Therefore, the Chief Commissioner of Land Administration issued proceedings dated 17-11-2001 communicating the revised list of Tahsildars of Zones-I to VI, approved in the meeting of the Review Departmental Promotion Committee held on 30-10-2001 pursuant to the judgment of the Supreme Court.
- (n) Thereafter, the Screening Committee met on 04-12-2001 and reviewed the *ad hoc* panels of Deputy Collectors for the years 1997-98, 1998-99, 1999-2000 and fresh panel of Deputy Collectors for the year 2001-2002. The Screening Committee also discussed on the integrated seniority list prepared on the

² 2001 (4) SCC 443

basis of Zonal seniority of Tahsildars of six zones, in respect of persons appointed during the period from 09-10-1980 to 23-09-1992. The Screening Committee also noted in the meeting held on 04-12-2001 that as a result of revision of seniority list in accordance with the decision of the Supreme Court in **P. Mohan Reddy**, persons, who became seniors, were working as Tahsildars while persons, who became juniors, were working as Deputy Collectors. The Screening Committee then prepared proceedings dated 07-01-2002 reviewing the *ad hoc* panels of Deputy Collectors for the years 1997-98, 1998-99, 1999-2000 and then the proceedings were forwarded by the Chief Commissioner of Land Administration to the Government by proceedings dated 18-01-2002.

- (o) On the basis of the proceedings of the Screening Committee, the Government issued G.O.Ms.No.35, Revenue (SER-I) Department, dated 28-01-2002, approving the names of certain officers for inclusion of their names in the *ad hoc* panel of Deputy Collectors for the year 2001-2002.
- (p) Thereafter, the Chief Commissioner of Land Administration issued a set of consolidated and detailed instructions on 15-03-2002 to the Collectors. As per these instructions, the seniority list of persons appointed during the period from 09-10-1980 to 23-09-1992 and already finalized need not be changed. However, the seniority of persons appointed after 23-09-1992 should be fixed in accordance with the General Rule 33 (a) of A.P. State and Subordinate Service Rules.

- (q) The instructions dated 15-03-2002 issued by the Chief Commissioner of Land Administration became the subject matter of challenge before the A.P. Administrative Tribunal in O.A.No.6806 of 2002. This application was dismissed by the A.P. Administrative Tribunal by an order dated 24-07-2002 on the ground that as and when the Collector prepared a list, it was always open to those persons to raise objections.
- (r) Challenging the order of the Tribunal in O.A.No.6806 of 2002, a writ petition in W.P.No.17430 of 2002 was filed on the file of this Court. This writ petition was taken up along with two other writ petitions and were disposed of by this Court by a common order dated 28-11-2003. By the said order, this Court clarified (1) that the seniority of direct recruits will have to be determined from the date of their actual appointment and not from an imaginary date prior to their actual appointment; (2) that the quota will have to be determined on the basis of the Rules applicable at the time of issuance of the notification for direct recruitment; (3) that the *inter se* seniority of officers appointed before September 1992 will be determined on the basis of the decision in **P. Mohan Reddy**; (4) that the *inter se* seniority of promotees shall be determined on the basis of appointment against substantive vacancies and not on the basis of the date on which a person had been promoted against a temporary vacancy; and (5) that the *inter se* seniority of direct recruits and promotees be determined in accordance with the rules applicable.

- (s) Complaining that the aforesaid directions were not implemented, a Contempt Petition was filed in C.C.No.603 of 2006.
- (t) The Chief Commissioner of Land Administration issued proceedings dated 12-01-2007, pursuant to the directions issued by this Court, confirming the panels of Deputy Tahsildars for the years 1992-93 to 1997-98, in so far as the District of Visakhapatnam was concerned.
- (u) After the closure of the Contempt Petition, the Government issued proceedings dated 14-08-2007 directing that the seniority of direct recruits and promotees appointed during the period from 12-10-1961 to 08-10-1980 will be determined on the basis of their regular appointment; that the seniority of those appointed during the period from 09-10-1980 to 23-09-1992 will be determined on the basis of the date of confirmation in the substantive vacancy in the ratio of 1:1 and that the *inter se* seniority of those appointed after 24-09-1992 will be determined on the basis of the date of the regular appointment to the post of within the quota.
- (v) Challenging the Government Memo dated 14-08-2007, a group of persons by name P. Surendra Babu and others filed O.A.Nos.6489 and 7028 of 2008. These applications were disposed of by the Tribunal by an order dated 10-02-2009 directing the promotees to approach the authorities.
- (w) Challenging the order of the Tribunal dated 10-02-2009, a writ petition in W.P.No.18596 of 2009 was filed. The said writ

petition was dismissed upholding the Government Memo dated 14-08-2007. This Court left it open to the Department to issue final seniority list in accordance with the guidelines and complete the exercise within two months.

- (x) On the basis of the Government Memo dated 14-08-2007 upheld by this Court by judgment dated 16-04-2010 in W.P.No.18596 of 2009, the Chief Commissioner of Land Administration issued proceedings dated 11-11-2010, informing all the District Collectors that the provisional seniority list of Tahsildars from the year 1995-1996 to 2010-2011 of the respective zones have already been communicated and that the reports of the respective Collectors have also been examined. Therefore, the list was directed to be published in the appropriate places.
- (y) It appears that in the meantime, the Government also issued an order in G.O.Rt.No.1449, dated 08-10-2010 approving the issue of vacancies for the panel year 2010-11. The Chief Commissioner of Land Administration also issued proceedings dated 27-11-2010 furnishing the revision of seniority in the cadre of Deputy Collectors for the years 1998-1999 to 2006-2007 and also for the panel year 2010-2011.
- (z) The revision of panels became the subject matter of challenge in an application in O.A.No.8082/2010 on the file of the A.P. Administrative Tribunal. Thereafter, a series of applications and writ petitions came to be filed in which certain orders were passed.

- (aa) Taking note of all these orders, the Government issued G.O.Ms.No.502, Revenue (SER.I) Department dated 16-09-2013 approving the revision of *ad hoc* panels of Deputy Collectors for the years 1998-1999 to 2010-2011.
- (bb) Challenging G.O.Ms.No.502, dated 16-09-2013, a direct recruit Deputy Tahsildar filed an application in O.A.No.7372 of 2014 on the file of A.P. Administrative Tribunal, on the ground that the panels already prepared in the cadre of Deputy Tahsildars as per Rule 4 (e) of the A.P. Revenue Subordinate Service Rules should not be disturbed. Similarly, two other directly recruited Deputy Tahsildars also filed an application in O.A.No.7482 of 2014 challenging G.O.Ms.No.502, Revenue dated 16-09-2013, on the very same ground as raised in O.A.No.7372 of 2014.
- (cc) During the pendency of these two applications, the State of Telangana withdrew from the A.P. Administrative Tribunal and hence, these applications got transferred to this Court and renumbered as W.P.(TR)Nos.3171 and 3203 of 2017.
- (dd) In O.A.No.7482 of 2014 (now WP(TR)No.3203 of 2017) and O.A.No.7372 of 2014, the Tribunal passed an interim order on 23-01-2015 directing the Government to maintain status quo as on date, in so far as the applicants were concerned.
- (ee) While so, the Government issued G.O.Ms.No.69 Revenue, dated 11-02-2016 constituting a Committee of two I.A.S. Officers (one former and one serving) to decide the seniority issue of Deputy Collectors regarding the preparation of regular

panels, preparation of regularization of promotee Deputy Collectors and preparation of seniority of Deputy Collectors with promotees and direct recruits.

- (ff) Challenging the constitution of the Two Man Committee under G.O.Ms.No.69, dated 11-02-2016, the applicants in O.A.No. 7482 of 2014 (now WP (TR) No.3203 of 2017), filed a fresh Original Application in O.A.No.1462 of 2016. On 25-05-2016, the Tribunal granted an interim stay of all further proceedings pursuant to G.O.Ms.No.69, dated 11-02-2016. Similarly, four more persons filed O.A.No.1856 of 2016 challenging G.O. Ms. No.69 and got an interim stay on 11-05-2016.
- (gg) One person by name M. Hanumantha Rao filed Vacate Stay Petitions in O.A.Nos.1462 and 1856 of 2016, seeking the vacation of the interim orders dated 25-04-2016 and 11-05-2016. But by an order dated 01-08-2016, the Tribunal dismissed the said petitions.
- (hh) Challenging the dismissal of the vacate stay petitions, the said Hanumantha Rao filed a writ petition in W.P.No.30413 of 2016. Interestingly the same Hanumantha Rao also filed one more writ petition in W.P.No.30601 of 2016 contending that the Two Man Committee appointed under G.O.Ms.No.69, dated 11-02-2016 had already submitted a report dated 10-04-2016 and that therefore, the process of preparation of seniority list can be completed. In the said writ petition an order was passed on 30-09-2016 granting two weeks time to the State to complete the process. But the process was not completed

leading to a Contempt Application being filed. But the State came up with an application for extension of time and the same was allowed by this Court by an order dated 16-11-2016 granting time up to 14-02-2017.

- (ii) Thereafter, the Departmental Promotion Committee met on 03-01-2017 and the Government issued G.O.Ms.No.60 Revenue dated 06-02-2017 approving the minutes of the meeting of the Departmental Promotion Committee, considering the names of the Tahsildars etc., included in the regular panel of Deputy Collectors for the panel years 1994-1995 to 2013-2014. Challenging G.O.Ms.No.60, dated 06-02-2017 and also seeking implementation of the interim order passed by the A.P. Administrative Tribunal on 23-01-2015, the applicants in O.A.No.7482 of 2014 have come up with the writ petition in W.P.No.6822 of 2017.
- (jj) Another individual by name A. Surya Prakash also challenged G.O.Ms.No.60, dated 06-02-2017, not before this Court, but before the A.P. Administrative Tribunal in O.A.No.508 of 2017. Pending Original Application, the said Surya Prakash sought interim stay of G.O.Ms.No.60. Since the Tribunal did not grant an interim stay, the said Surya Prakash has come up with a writ petition in W.P.No.8918 of 2017 challenging not only the refusal of the Tribunal to grant an interim order but also challenging G.O.Ms.No.60, dated 06-02-2017.
- (kk) Aggrieved by the non-inclusion of their names in the approved regular panels of Deputy Collectors for the period from 1994-

1995 to 2013-2014 issued in G.O.Ms.No.60 dated 06-02-2017, four individuals have come up with two more writ petitions in W.P.Nos.7870 and 9072 of 2017.

(II) In the meantime, the Chief Commissioner of Land Administration invited objections, considered the same and issued proceedings dated 10-04-2017 finalizing the seniority list of Deputy Collectors from 1992 to 2014. Challenging these proceedings dated 10-04-2017 issued by the Chief Commissioner of Land Administration, two more writ petitions came to be filed in W.P.Nos.20236 of 2017 and 27650 of 2017.

(mm) Thereafter, the very same persons, who were the writ petitioners in W.P.No.27650 of 2017, have come up with one more writ petition in W.P.No.37770 of 2016 challenging G.O.Ms.No.502, dated 16-09-2013 and also seeking a declaration that the seniority list of Deputy Tahsildars appointed during the period from 10-04-1980 to 24-09-1992 has already been finalized and settled.

4. Thus there are 10 writ petitions on hand, out of which two are actually Original Applications transferred from the A.P. Administrative Tribunal. All the 10 writ petitions can be categorized as follows:

(i) 3 writ petitions viz., W.P.Nos.37770 of 2016 and W.P.(TR) Nos.3171 and 3203 of 2017 challenging G.O.Ms.No.502 Revenue dated 16-09-2013;

- (ii) 4 writ petitions arising out of G.O.Ms.No.60, dated 06-02-2017, viz., W.P.Nos.6872, 7870, 8918 and 9072 of 2017;
- (iii) 2 writ petitions in W.P.No.20236 and 27650 of 2017 challenging the final seniority list dated 10-04-2017; and
- (iv) 1 writ petition in W.P.No.30413 of 2016 arising out of the refusal of the Tribunal to vacate an interim stay on the appointment of a Two Man Committee under G.O.Ms.No.69, dated 11-02-2016.

5. The chronology of events that we have detailed above would show that some of the writ petitions on hand can be disposed of without much ado. Once this is done, the writ petitions dealing with substantial issues can be taken up in detail.

W.P.No.30413 of 2016:

6. This writ petition challenges the refusal of the A.P. Administrative Tribunal to vacate the interim order granted on 25-04-2016 in O.A.No.1462 of 2016, putting on hold the constitution of the Two Man Committee under G.O.Ms.No.69, dated 11-02-2016.

7. But admittedly, the Two Man Committee submitted a report on 10-04-2016 leading to further litigation and also leading to a revision of panels on 06-02-2017 under G.O.Ms.No.60 and a final order dated 10-04-2017. Therefore, nothing survives for adjudication in W.P.No.30413 of 2016, as the same has become infructuous and the relief sought in this writ petition has been overtaken by subsequent events. **Hence, W.P.No.30413 of 2016 is dismissed.**

W.P.Nos.6822, 7870, 8918 and 9072 of 2017:

8. These four writ petitions revolve around G.O.Ms.No.60, dated 06-02-2017, though the reliefs sought therein are couched in different forms.

9. W.P.No.6822 of 2017 is filed by two persons by name D. Sanjeeva Reddy and B. Rajesham, who were the applicants before the Tribunal in O.A.No.7482 of 2014. The reliefs sought in W.P. No.6822 of 2017 are two fold viz., (a) to implement the interim order of the Tribunal in O.A.No.7482 of 2014, dated 23-01-2015; and (b) to set aside G.O.Ms.No.1186, dated 26-12-2016 and G.O. Ms. No. 60, dated 06-02-2017.

10. The challenge in O.A.No.7482 of 2014 was to G.O.Ms. No.502, Revenue, dated 16-09-2013. Pending O.A.No.7482 of 2014, the Tribunal granted an interim order on 23-01-2015 directing the Government to maintain status quo with regard to the petitioners in O.A.No.7482 of 2014, who are also the petitioners in this W.P. No. 6822 of 2017.

11. But if the petitioners in W.P.No.6822 of 2017 are of the view that G.O.Ms.No.1186, dated 26-12-2016 and G.O.Ms.No.60, dated 06-02-2017 were passed in violation of the interim orders granted on 23-01-2015 in O.A.No.7482 of 2014, the petitioners should have filed a Contempt Petition before the A.P. Administrative Tribunal. G.O.Ms.No.60 is that of the Government of Andhra Pradesh. The A.P. Administrative Tribunal still has jurisdiction over the Government of Andhra Pradesh.

12. Therefore, persons, who have filed Original Applications before the A.P. Administrative Tribunal and who secured interim

orders from the Tribunal, cannot come to this Court under Article 226 of the Constitution of India seeking implementation of the interim order passed by the Tribunal, especially when the Original Application was pending there.

13. In any case, the main O.A.No.7482 of 2014 has been transferred to this Court and numbered as WP(TR)No.3203 of 2017. Therefore, nothing survives in W.P.No.6832 of 2017 where a violation of the interim order passed by the Tribunal is projected and an enforcement of the interim order of the Tribunal is sought, when subsequent events have become the subject matter of further litigation and the main O.A. itself has been transferred to this Court. **Hence, W.P.No.6822 of 2017 is dismissed.**

14. W.P.No.8918 of 2017 is filed by a person, who filed O.A.No.508 of 2017 on the file of A.P. Administrative Tribunal challenging G.O.Ms.No.60, dated 06-02-2017 and the non-inclusion of his name in the panel of Deputy Collectors for the years 2001-2004. His grievance in W.P.No.8918 of 2017 is that while admitting the Original Application, O.A.No.508 of 2017, the Tribunal did not grant any interim stay of G.O.Ms.No.60, dated 06-02-2017. Therefore, he has come up with the above writ petition challenging the refusal of the Tribunal to grant an interim order to put on hold G.O.Ms.No.60, dated 06-02-2017.

15. It is seen from O.A.No.508 of 2017 that the main relief sought therein was to hold as illegal, the non-inclusion of the petitioner's name in the panel of the years 2001-2004 in G.O.Ms.No.60, dated 06-02-2017. Pending disposal of the Original

Application, the petitioners sought interim suspension of G.O.Ms. No.60.

16. By G.O.Ms.No.60, the Government approved the minutes of the meeting of the Departmental Promotion Committee held on 03-01-2017 considering the names of persons included in the regular panel of Deputy Collectors for the panel years 1994-95 to 2013-14. The panel contained the names of nearly about 385 individuals. Therefore, the Tribunal was right in refusing to grant interim suspension of G.O.Ms.No.60, dated 06-02-2017. As we have been repeatedly holding, neither the Tribunal nor this Court can grant interim suspension of the panels containing the names of several persons. The only interim order that could be passed in cases where there is a challenge to a panel is to say that the promotions, if any, will be subject to the outcome of the main case. This is the interim order that the Tribunal passed in O.A.No.508 of 2017. Therefore, the same cannot be assailed by the petitioner. **Hence, W.P.No.8918 of 2017 is dismissed.**

17. W.P.Nos.7870 of 2017 and 9072 of 2017 are filed by persons whose names are excluded from the approved regular panel of Deputy Collectors for the period from 1994-1995 to 2013-2014 issued in G.O.Ms.No.60 Revenue dated 06-02-2017.

18. The main ground on which the petitioners in W.P.Nos. 7870 and 9072 of 2017 have come up with these writ petitions is that the subject matter was already *sub judice* in W.P.No.30413 of 2016 and O.A.No.1856 of 2016 and that therefore, a regular panel could not have been issued under G.O.Ms.No.60.

19. But W.P.No.30413 of 2016 has been dismissed by us on the ground that after the order of the Tribunal dated 01-08-2016 challenged in the said writ petition, a provisional seniority list followed by a final list has already been drawn.

20. To recall, it is to be stated that in O.A.No.1856 of 2016 and a few other connected Original Applications, the Tribunal stayed the constitution of a Two Man Committee under G.O.Ms.No.69, dated 11-02-2016. But even before the Tribunal could grant stay (first on 25-04-2016 and then on 11-05-2016), the Two Member Committee had already submitted a report on 10-04-2016. Despite this fact, the Tribunal refused to vacate the stay in those two cases, but dismissed the vacate stay petitions on 01-08-2016. It was this order dated 01-08-2016 that became the subject matter of challenge in W.P.No.30413 of 2016.

21. But in a parallel case in W.P.No.30601 of 2016 filed by the very same petitioner in W.P.No.30413 of 2016, this Court directed the preparation of panels on or before 14-02-2017.

22. Therefore, the petitioners in W.P.Nos.7870 and 9072 of 2017 cannot challenge G.O.Ms.No.60, dated 06-02-2017 merely on the ground that the matter was *sub judice* in W.P.No.30413 of 2016. In any case, it is no more *sub judice*, in view of the dismissal of W.P.No.30413 of 2016 by this order. **Hence, W.P.Nos.7870 and 9072 of 2017 are also dismissed.**

23. That leaves us with 5 writ petitions, 3 challenging G.O.Ms.No.502, dated 16-09-2013 and 2 challenging the final

seniority list dated 10-04-2017. We shall first take up the 3 writ petitions, which challenge G.O.Ms.No.502, dated 16-02-2013.

W.P No. 37770 of 2016, W.P (TR) Nos.3171 and 3203 of 2017:

24. The grounds of challenge in W.P.No.37770 of 2016 to G.O.Ms.No.502 dated 16-09-2013, as articulated by Mr. K.G. Krishna Murthy, learned senior counsel appearing for the petitioners are (1) that the impugned order was contrary to the decision of the Supreme Court in **P Mohan Reddy**; (2) that a seniority settled in terms of Rule 4 (e) cannot be unsettled; (3) that Rule 4 (e) is applicable only to persons directly recruited during the period 1980-1992 and hence, the seniority of those appointed from the years 1992 onwards cannot be revised and (4) that before revising the settled seniority position, no notice was issued and no opportunity was given.

25. The challenge to G.O.Ms.No.502 in W.P.(TR) No.3171 of 2017, as advocated by Mr. M. Ratna Reddy are as follows: (1) that the seniority already settled on the basis of the Judgment of the Supreme Court in **P Mohan Reddy** cannot be unsettled; (2) that the review of the panels has been made without any notice to the parties and (3) that after repeatedly reporting to this Court that the *inter se* seniority of direct recruits and promotees in the cadre of Deputy Tahsildars appointed during the period 1980-1992 had been settled long back, the respondents could not have made a revision once more.

26. In W.P.(TR) No.3203 of 2017, G.O.Ms.No.502 dated 16-09-2003 is challenged, as could be culled out from the

submissions of Mr. J. Sudheer, learned counsel, on the following grounds: (1) that the impugned order has been passed without notice and without affording reasonable opportunity to the affected persons and (2) that the Government had admitted before this Court in the previous round of litigation that the seniority position of Deputy Collectors has already been settled.

27. Before proceeding to deal with the grounds of attack to G.O.Ms.No.502, it is necessary to understand one fundamental issue. What is done under G.O.Ms.No.502 is merely the approval of the revision of the *ad hoc* panels of Deputy Collectors for the years 1998-99 up to 2010-11. This is seen from para 9 of G.O.Ms.No.502.

28. But what is done under G.O.Ms.No.502, is only a sequel to the revision of the seniority of Deputy Tahsildars and the consequent revision of the panels of Tahsildars, as seen from the recitals contained in Para 8 of G.O.Ms.No.502. The petitioners in all the 3 writ petitions namely W.P.Nos.37770 of 2016, 3171 of 2017 and 3203 of 2017, are actually aggrieved by the revision of the seniority in the category of Deputy Tahsildars and the consequential revision of panels in the categories of Tahsildars and Deputy Collectors.

29. But G.O.Ms.No.502 by itself does not seek to alter the seniority in the category of Deputy Tahsildar. It does not also seek to revise the panels in the category of Tahsildars. On the other hand, G.O.Ms.No.502 merely seeks to approve the revision of fresh *ad hoc* panels of Deputy Collectors.

30. Therefore, the challenge in these three writ petitions W.P.Nos.37770 of 2016, 3171 of 2017 and 3203 of 2017 is actually

to the sequence at the tail end. The challenge is not to the cause but to the consequence. We do not know how by challenging the tail end action, the petitioners can seek to set at naught the alleged revision of seniority in the category of Deputy Tahsildars.

31. As a matter of fact, we asked Mr. K.G. Krishna Murthy, learned senior counsel appearing for the petitioners in W.P.No. 37770 of 2016 to show us from G.O.Ms.No.502, as to where the seniority in the category of Deputy Tahsildars is revised. But, the learned senior counsel merely drew our attention to the first sentence in para 8 of G.O.Ms.No.502, where it is stated that in the reference 4th read in the G.O. (proceedings of the Special Chief Secretary and Chief Commissioner of Land Administration, A.P., Hyderabad dated 06.03.2013), it was informed that in view of the orders of this Court dated 16-04-2010 in W.P.No.18596 of 2009, the seniority of Deputy Tahsildars and consequent panel of Tahsildars have been revised.

32. But, the above referred first sentence in para 8 of G.O.Ms.No.502, by itself cannot be taken as the revision of the seniority of Deputy Tahsildars.

33. In order to find out the contents of the proceedings of the Chief Commissioner of Land Administration, A.P., Hyderabad dated 06.03.2013 to which a reference is made in para 8 of G.O.Ms. No.502, we summoned the same. It is found from CCLA's reference No.D1/782/09 dated 06-03-2013, which forms Item No.4 of the reference column in G.O.Ms.No.502 and to which a reference is made in para 8 of G.O.Ms.No.502 that all that was done by this letter

was to inform the Government that orders can be passed on the revision of panels of Deputy Collectors from 1998-99 onwards.

34. However it is stated in para 5 (unnumbered) of CCLA proceedings dated 06-03-2013 that consequent upon the order dated 16-04-2010 in W.P.No.18596 of 2009, the seniority of Deputy Tahsildars and consequent panels of Tahsildars have been revised.

35. In other words CCLA proceedings dated 06-03-2013 merely contains a piece of information that the seniority of Deputy Tahsildars has been revised. This proceeding dated 06-03-2013 do not by itself seek to revise the seniority of Deputy Tahsildars.

36. Therefore, if it is the grievance of the petitioners in these 3 writ petitions namely W.P.Nos.37770 of 2016 and WP(TR).Nos.3171 of 2017 and 3203 of 2017 that a settled seniority in the category of Deputy Tahsildars has been altered, they must challenge the proceedings by which seniority was altered. Instead, they have challenged G.O.Ms.No.502, which merely contains a reference to CCLA proceedings dated 06-03-2013, in which a statement is found that the seniority of Deputy Tahsildars has already been revised. Hence, there is a fundamental flaw in the manner in which the petitioners have come up with the above writ petitions.

37. It appears that the seniority in the category of Deputy Tahsildars appointed during the period from 1980 to 2007 in the District of Kurnool was revised by the District Collector of Kurnool by proceedings dated 06-08-2010. It is claimed that similar seniority lists in the category of Deputy Tahsildars were released in all Districts simultaneously in August, 2010 followed by revision of

seniority in the category of Tahsildars in November, 2010. The Government had taken a positive stand before us that seniority in the category of Deputy Tahsildars was revised on 06-08-2010 and the seniority in the category of Tahsildars was finalized on 11-11-2010.

38. Though it is contended by Mr. K.G. Krishna Murthy, learned senior counsel and Mr. J. Sudheer, learned counsel appearing for the petitioners in the three writ petitions challenging G.O.Ms.No.502 that no such seniority lists dated 06-08-2010 and 11-11-2010 were ever communicated, the same would not take the writ petitioners anywhere. As on date there is no challenge to the seniority lists in the categories of Deputy Tahsildars and Tahsildars dated 06-08-2010 and 11-11-2010 and hence, all objections to these lists cannot even be considered by us. A challenge to the tail end order of consequence in G.O.Ms.No.502 cannot be taken as a challenge to the seniority list.

39. An argument was advanced to the effect that in the counter affidavit filed in C.C.No.603 of 2006 arising out of W.P.No.17430 of 2002, a positive stand was taken by the Government to the effect that the *inter se* seniority of direct recruits and Deputy Tahsildars was settled long back on the basis of the decision in **P Mohan Reddy**. This counter affidavit was sworn to on 28-07-2006. Therefore, it is contended that there could have been no revision of seniority list of Deputy Tahsildars on 06-08-2010.

40. But, unfortunately for the writ petitioners, we cannot today go into the question whether a misrepresentation was made in the

counter affidavit filed in the Contempt Petition C.C.No.603 of 2006. As on date it is the case of the Government that they have issued revised seniority list in the category of Deputy Tahsildars on 06-08-2010. Therefore, without even a challenge to the same, it is not possible for us to consider the arguments raised in these writ petitions namely (1) whether there was no notice (2) whether there was violation of natural justice and (3) whether a settled seniority position is sought to be unsettled after a longtime etc.

41. According to the respondents, the occasion to issue revised seniority lists in August 2010 arose on account of the directions issued by this court in W.P.No.18596 of 2009 by order dated 16-04-2010. Therefore, unless the said seniority list is challenged in a manner known to law, the consequential order passed three years thereafter in G.O.Ms.No.502 cannot be tested. As we have pointed out earlier, the only challenge to G.O.Ms.No.502 is that in para 8 it makes a mention about the revision of seniority. The recording of a past event in a Government Order cannot give rise to a cause of action to challenge that Government Order without challenging the past event itself.

42. Therefore, we are of the considered view that the challenge to G.O.Ms.No.502 should fail. Accordingly, **WP No.37770 of 2016, and WP(TR)Nos.3171 of 2017 and 3203 of 2017 are dismissed.**

W.P. Nos.20236 and 27650 of 2017:

43. That leaves us only with 2 more writ petitions, which challenge the final seniority list dated 10-04-2017. The prayer of the petitioner in WP.No.20236 of 2017 is to set aside the CCLA's

proceedings dated 10-04-2017 and for a direction to the respondents not to disturb his position in the supplementary panel of Deputy Collectors for the year 2004-2005 and to include his name in the seniority list of Deputy Collectors issued on 10.04.2017.

44. The relief sought for in W.P.No.27650 of 2017 is to set aside the CCLA's proceedings dated 10-04-2017.

45. Thus, these two writ petitions primarily challenge the final seniority list of Deputy Collectors for the years 1992-2014 issued in the proceedings of CCLA dated 10.04.2017.

46. The grounds on which the petitioner in W.P.No.20236 of 2017 challenge the CCLA's proceedings dated 10-04-2017 are: (1) that the respondents ought not to have acted in accordance with the suggestions made by the Advisory Council constituted under G.O. Rt.No.1088 dated 07-11-2016, contrary to the status quo order passed by the Tribunal; (2) that when the writ petition filed by the very same petitioner in W.P.No.6822 of 2017 seeking implementation of the interim order of the Tribunal dated 23-01-2015 in O.A.No.7482 of 2014 was still pending, the respondents could not have issued a final seniority list; (3) that since the Tribunal granted a status quo order, after the inclusion of the name of the petitioner in the panel for 2004-2005 in G.O.Ms.No.419, Revenue dated 04-04-2005, the position of the petitioner cannot be disturbed; and (4) that the impugned order was passed without considering the objections properly.

47. The grounds of attack to the proceedings dated 10-04-2017 in W.P.No.27650 of 2017 are: (1) that the cadre strength was

not properly fixed for substantive vacancies; (2) that the Advisory Panel did not take into consideration the actual cadre strength physically in existence; (3) that the detailed objections submitted by the petitioners on 10-03-2017 to the provisional seniority list dated 13-02-2017 were not considered and dealt with before issuing the impugned proceedings dated 10-04-2017; and (4) that direct recruits were pushed down because of the sudden increase in the number of Promotee Deputy Tahsildars.

48. We have carefully considered the above submissions.

49. As we have pointed out in the narration of facts, the proceeding dated 10-04-2017 is nothing but a final seniority list of Deputy Collectors. The inclusion or non-inclusion of the names of the individuals in the said seniority list depend upon (1) whether an individual was a promotee or a direct recruit in the category of Deputy Tahsildar; and (2) whether he was appointed to the category of Deputy Tahsildar before 1980 or during the period from 1980 to 1992 or after the year 1992.

50. As we have pointed out in the narration of facts, persons appointed during the period from 1961 to 1980 are to be governed by the 1961 Rules, persons appointed during the period from 1980 to 1992 are to be governed by Rule 4 (e) and those appointed after 1992 are to be governed by the 1992 Rules. This is the effect of the decision in **KV Subba Rao** and the decision in **P Mohan Reddy**.

51. It is claimed by the official respondents that after the decision of this Court dated 16-04-2010 in W.P.No.18596 of 2009, the inter se seniority in the category of Deputy Tahsildars between

direct recruits and promotees was finalized. But, before the seniority in the category of Deputy Tahsildars was finalized, the petitioners in these two writ petitions were included in the panel of the year 2004-2005 for promotion to the post of Deputy Collector. Therefore, such an inclusion in the panel of the year 2004-2005 could only be temporary, till the implementation of the decision of the Supreme Court in **P Mohan Reddy**. Hence, the petitioners in these two writ petitions cannot pitch their claim on the basis of the inclusion of their names in the panel for the year 2004-2005.

52. As a matter of fact, the decision in **P Mohan Reddy** was rendered on 16-02-2001. The petitioners have not placed before us any seniority list finalized immediately thereafter on the basis of the decision in **P Mohan Reddy**. Unless it is the case of the petitioners that immediately after the decision in **P Mohan Reddy**, a final seniority list in the category of Deputy Tahsildars was issued and year wise panels for promotion, first to the post of Tahsildar and then to the post of Deputy Collector had been issued and that this is how their names were included in the panel of the year 2004-2005 right royally for promotion to the post of Deputy Collectors, they cannot take exception to the proceedings dated 10-04-2017, merely on the basis of their inclusion in the panel of the year 2004-2005.

53. The main grievance of the petitioners, as projected by Mr. K.G. Krishna Murthy, learned senior counsel for the petitioners is that the objections raised by the petitioners were not even considered and that the impugned order dated 10-04-2017 merely states in one line that the objections were meticulously examined. It

is the further contention of Mr. K.G. Krishna Murthy, learned senior counsel that though seniority is not a fundamental right, it is nevertheless recognized to be a civil right, as held in ***Indu Shekhar Singh v. State of U.P.***³ and ***R.K. Mobisana Singh v. KH. Temba Singh***⁴ and that therefore, the objections of the petitioners ought to have been considered individually.

54. Normally we would have agreed with the above submission. Whenever objections are invited to a provisional seniority list, it is the duty of the concerned, to deal with the objections and provide reasons for overruling the objections. But, in the case on hand, we are unable to apply the said rule in view of (1) the magnitude of the exercise; and (2) the long history of this litigation. As a matter of fact, a Two Member Committee appointed under G.O.Ms.No.69 dated 11-02-2016 and an Advisory Panel constituted under G.O.Rt.No.1088 dated 07-11-2016 had also gone into the matter. Therefore, the non-consideration of the objections of each and every individual and the recording of the reasons for the rejection of every one of them, in a case of this magnitude is not feasible. Moreover the objections are not individualistic. The whole litigation revolved around the ratio between direct recruits and promotees and the method of fixation of their inter-se seniority. Therefore, the contention regarding the non- consideration of the individual objections, cannot be accepted.

55. The next contention revolves around the status quo order granted by the Tribunal. The contention of the petitioners is that

³ (2006) 8 SCC 129

⁴ (2008) 1 SCC 747

when they were protected by a status quo order, the respondents could not have issued the impugned proceedings.

56. But, it should be pointed out that the respondents have not done anything in violation of the status quo order. The status quo order originally granted by the Tribunal would protect the petitioners in the position that they were holding on that date. In the order impugned in the writ petition, a revised seniority list of Deputy Collectors has been issued. What may happen in future as a consequence of the impugned proceedings, can only be a matter of presumptions and surmises as on date.

57. The Original Application in which the status quo order was granted, also forms part of the present batch and that application (now a transferred writ petition), is also dismissed by this order. Therefore, such an argument is unsustainable.

58. Relying upon the decision of the Supreme Court in (1) **B.S. Bajwa v. State of Punjab**⁵ (2) **Bimlesh Tanswar v. State of Haryana**⁶ and (3) a decision of this Court in **P. Venkat Reddy v. High Court of Andhra Pradesh**⁷, it was contended by all the learned counsel that a settled seniority position cannot be unsettled after a long lapse of time and that the impugned order seeks to do the same.

59. But, we do not think so. The seniority between the direct recruits and promotees was never allowed to be settled. As we have indicated earlier, the 1961 Rules were amended in 1980, which

⁵ (1998) 2 SCC 523

⁶ (2003) 8 SCC 604

⁷ 2011 (2) ALD 447 (DB)

became the subject matter of challenge resulting in the decision of the Supreme Court in **K.V. Subba Rao**. Even before the ink could dry on the said decision, a new set of Rules were issued on 23-09-1992 which led to a fresh round of litigation that got settled in **P. Mohan Reddy**. Again there were litigations both before this Court and the A.P. Administrative Tribunal. Nothing was allowed to be settled by the rivals in the past about 37 years. Hence, the contention that settled seniority position is sought to be unsettled, is not correct.

60. Thus there are no merits even in the 2 writ petitions challenging the final seniority list dated 10-04-2017. **Hence W.P. Nos.20236 and 27650 of 2017 are also liable to be dismissed.**

Conclusion

61. Therefore, in fine, all the writ petitions are dismissed. There will be no order as to costs. Wherever there are miscellaneous petitions for impleadment, they are allowed. If there are miscellaneous petitions for raising additional grounds or for filing additional documents, they will also stand allowed. All other M.Ps are dismissed.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

Date: 31 -01-2018

Ksn