

**HONOURABLE SRI JUSTICE SANJAY KUMAR
AND
HONOURABLE SRI JUSTICE P. KESHA RAO**

WRIT PETITION No. 12665 of 2013

ORDER: (per the Honourable Sri Justice Sanjay Kumar)

The prayer of the petitioner in this case reads as under:

“... to issue any appropriate writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing the Memo No.CGM(Adm)/DS(Adm)/AS(V&R)(T)/PO-A/789/2012, dated 09.04.2012 without revising the petitioner’s seniority, not placing him at Serial No. 21 in the place of the 4th respondent and not promoting the petitioner as Assistant Executive Engineer (AEE (Civil)) notionally w.e.f. 30.11.2010 by considering the petitioner’s representation dated 04.03.2013 as arbitrary, illegal and violative of Articles 14, 16, 16(4)(A), 16(4)(B) and 21 of the Constitution of India and consequently set aside the said Memo No.CGM(Adm)/DS(Adm)/AS(V&R)(T)/PO-A/789/2012, dated 09.04.2012 issued by the 2nd respondent and direct the respondents No.1 and 2 to revise the petitioner’s seniority by reconsidering the petitioner’s representation dated 04.03.2013 and promote the petitioner as Assistant Executive Engineers (Civil) notionally w.e.f. 30.11.2010 on par with his junior, the 3rd respondent, ignoring the S.Cs Rationalization Act, 2000 (Act No.20 of 2000).”

It is the case of the petitioner that while the A.P. Scheduled Castes Rationalization Act, 2000 (for short, “the Act of 2000”), was in force, whereby sub-categorization of scheduled castes was undertaken, certain appointments were made on the strength thereof, but as the Supreme Court invalidated the said legislation in **E.V. Chinnaiah vs. State of Andhra Pradesh**¹, the authorities have to re-draw the seniority list of appointees without the sub-categorization made under the invalidated Act of 2000. It is on this basis that he seeks revision of seniority and consideration of his case for promotion on par with his alleged junior, the 3rd respondent herein.

Ms. Deepthi, learned counsel appearing for the Telangana State Power Generation Limited, the successor-in-interest of the A.P. Power

¹ 2005 (1) SCC 394

Generation Corporation, would inform this Court that the Supreme Court issued a clarification as to the import and scope of **E.V. Chinnaiah (supra)** separately, by way of its order dated 25.09.2006 in an I.A. filed in the said case.

By the said order, the Supreme Court clarified that all appointments made prior to the judgment in **E.V. Chinnaiah (supra)**, which were made on the basis of the reservation permitted by the said legislation, would not be affected and promotions, if any, already granted before the judgment also would remain unaffected. In the light of this clarification, it is not open to the petitioner to turn back the clock on the strength of the invalidation of the Act of 2000. As the appointments made thereunder stood protected by virtue of the clarificatory order referred to supra, it is not open to the petitioner to now assert seniority over individuals whose appointments and conditions of service stood protected by the clarification of the order.

The writ petition is therefore devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR, J

P. KESHA RAO, J

Date: 09.07.2019.
ES/CCM