

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**WEDNESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

WRIT PETITION NO: 28322 OF 2014

Between:

1. S.Narashimulu, S/o Late S.Rangarajam, age 48 yrs, Occ:Dy.Executive Engineer(PR) Prisd: Medak(Dist)
2. K.Rajendra Kumar, S/o K.Rajeswar Rao, age 52 yrs, Presently Holding The Post: Dy.Executive Engineer(Pr) ; R/O :Dy.Executive Engineer(Pr) ; Prisd: Mahabunagar Compound, Mahabubnagar-509325
3. Smt K Renuka, age 45 yrs, Occ: Deputy Executive Engineer, O/o Engineer in Chief: Govt of Telangana, Erramanzil, Hyderabad.

...PETITIONERS/ RESPONDENTS 3,4 & 5 in OA

AND

1. The Government of Telangana, Panchayat Raj & Rural, Development Department, rep by its Principal Secretary to Government, Secretariat, Hyderabad.
2. Engineer in Chief, Panchayat Raj Engineering Department, Government of Telangana, Hyderabad.
3. G Murali Prasad, S/o Sri Venkatswara Rao, age 51 years, Occ: Assistant Executive Engineer, O/o Deputy Executive Engineer, (V&QC), PR dept Nalgonda.
4. Y Hanumandlu, S/o Sri Veeriah, age 52 years, Occ: Assistant Executive Engineer, O/o Dy.Executive Engineer , PIU Sub division , Medak, Medak(dist)
5. Y Srinivas Reddy, S/o Sri Y Buchi Reddy, age 49 years, Occ: Assistant Executive Engineer, O/o Mandal Engineering Officer, MPP, Keesara,(V& Mandal), RR (dist)

**...RESPONDENTS/
RESPONDENTS 3 to 5 are PETITIONERS 1 to 3 in OA**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order or direction particularly in the nature of Mandamus and declare the order and Judgment in OA.No.4134/2014

dated 8-7-14 rendered by the Hon'ble APAT as contrary to law and consequently set aside the same and consequently.

I.A. NO: 1 OF 2014(WPMP. NO: 35455 OF 2014)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the impugned order OA.No.4134/2014, dated 8-7-14, rendered/passed by Hon'ble APAT, pending disposal of the above writ petition.

Counsel for the Petitioners : Dr. K. LAKSHMI NARASIMHA

Counsel for the Respondent Nos. 1 & 2: GP FOR SERVICES-II

Counsel for the Respondent 5 : SRI. VADAPALLI RAMESH

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

Writ Petition No.28322 of 2014

ORDER : *(Per Hon'ble Sri Justice Abhinand Kumar Shavli)*

This Writ Petition is filed by the petitioners under Article-226 of the Constitution of India seeking a 'Writ of Certiorari' by calling for records relating to the order passed by the Andhra Pradesh Administrative Tribunal (for short, 'the Tribunal'), Hyderabad in O.A.No.4134 of 2014, dated 08.07.2014 and to quash the same.

2. Heard Mr. K. Lakshmi Narasimha, learned counsel for the petitioners and the learned Special Government Pleader for Services-II, appearing for respondents.

3. Learned counsel for the petitioners contended that petitioners were working as 'Deputy Executive Engineers' and the respondent Nos. 3 to 5 have approached the Tribunal to give promotion to them on par with their juniors as per the seniority list communicated *vide* proceeding dated 03.04.2014. The

Tribunal was pleased to dispose of the O.A at the admission stage itself without giving any opportunity to the petitioners, by directing the Engineer-in-Chief (i.e., 2nd respondent) to consider the representations submitted by the respondent Nos. 3 to 5, dated 15.04.2014 and 02.05.2014 regarding the promotion to the post of Deputy Executive Engineer, including notional promotion in Zone-VI as per the seniority list and pass appropriate orders in accordance with law. The Tribunal could not have disposed of the O.A when they were the contesting respondents at the admission stage that too without giving any opportunity. Therefore, prayed this Court to pass appropriate orders in the Writ Petition by setting aside the orders passed by the Tribunal in O.A.No.4134 of 2014, dated 08.07.2014 and allow the Writ Petition.

4. On the other hand, learned Government Pleader, appearing for the respondents, contended that the Tribunal has merely directed the respondent No.2 to consider the representations submitted by the

respondent Nos. 3 to 5 and pass appropriate orders, and therefore, no prejudice would be caused to the petitioners and no such rights of the parties have been adjudicated by the Tribunal so as to have a grievance of the petitioner. Therefore, there are no merits in the Writ Petition and the same is liable to be dismissed.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that the Tribunal has merely directed the 2nd respondent to consider the representations submitted by the respondent Nos. 3 to 5 and pass appropriate orders in accordance with law. We are not able to understand how the petitioners have aggrieved to such an order of the Tribunal. It is needless to say that if the 2nd respondent considers the representation submitted by the respondent Nos. 3 to 5, the 2nd respondent shall also give an opportunity to the petitioners before passing any orders, if not already passed.

6. With these observations, the Writ Petition is disposed of. No costs.

7. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

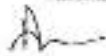
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SD/- K. VENKAIAH
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj & Rural Development Department, Government of Telangana, Secretariat, Hyderabad.
2. The Engineer in Chief, Panchayat Raj Engineering Department, Government of Telangana, Hyderabad.
3. One CC to Dr. K LAKSHMI NARASIMHA, Advocate [OPUC]
4. Two CCs to GP FOR SERVICES-II, High Court for the State of Telangana at Hyderabad [OUT]
5. One CC to SRI. VADAPALLI RAMESH, Advocate [OPUC]
6. Two CD Copies

KAR
GJP



HIGH COURT

DATED:21/12/2022

ORDER

WP.No.28322 of 2014



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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20/1/23