

[3219]

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

WEDNESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

WRIT PETITION NO: 15666 OF 2023

Between:

1. M.Sharmila, W/o. G.Ravi Chand, Aged about 48 years, Occ. Tahsildar, O/o. Mandal Revenue Office, Bommarasipet, Vikarabad, Vikarabad District.
2. N.Y.Giri, S/o. Chinna Mallaiah, Aged about 43 years, Occ. Tahsildar, O/o. Collectorate Office, Vikarabad, Vikarabad District.
3. V.Lakshmi.N, W/o. R.Venu Kumar, Aged about 39 years, Occ. Tahsildar, O/o. Mandal Revenue Office, Ghatketsar, Medchal -Malkajgiri District.

...PETITIONERS

AND

1. The State of Telangana, Rep by its Special Chief Secretary to Government, Revenue Department, Secretariat Buildings, Hyderabad.
2. The Chief Commissioner of Land Administration (FAC), State of Telangana, Hyderabad.
3. The District Collector, Vikarabad District.
4. The District Collector, Medchal -Malkajgiri District.

...RESPONDENTS

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, order or direction more particularly one in the nature of Writ of MANDAMUS to declare the action of the respondents in not relaxing the Rule 16 (h) of Telangana State Subordinate Service Rules, 1996 in favor of the petitioners for declaration of probation in the cadre of Probationary Deputy Tahsildar (PDT) from the date of their initial appointment is illegal arbitrary and unconstitutional with a consequential direction to the respondents to relax the Rule 16 (h) and declare the probation of the petitioners from their initial appointment in the cadre of Probationary Deputy Tahsildar (PDT) and inclusion of their names in the Tahsildar Panel for the year 2010-11 and consider their claim for promotion to the post of Probationary Deputy Collector (PDT) by passing necessary orders on the letter addressed by the 2nd respondent to 1st Lr.No.Ser.III(1)/952/2022 dated 29/12/2022, Lr.No.Ser.III(1)/952/2022 dated 29/12/2022 and Lr.No.Ser.III(1)/959/2022 dated 29/12/2022 by relaxing the rules as was considered in the case of similarly situated person in G.O Rt. No. 424 Revenue (Ser.III) Department dated 08/09/2015 and to consider the claim of the petitioners for promotion along with others for the panel year 2010-11 with all consequential benefits

IA NO: 1 OF 2023

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 direct the respondents to relax the Rule 16 (h) of Telangana State Subordinate Service Rule 1996 and declare the probation of the petitioners from their initial date of appointment into service in the cadre of Probationary Deputy Tahsildar (PDT) and inclusion of their names in the Tahsildar Panel for the year 2010-11 and consider their claim for promotion to the post of Deputy Collectors by passing necessary orders on the letter addressed by the 2nd respondent to 1st Lr.No.Ser.III(1)/952/2022 dated 29/12./, Lr.No.Ser.III(1)/952/2022 dated 29/12/2022 86 Lr.No.Ser.II1(1)/959/2022 dated 29/12/2022 forthwith as was considered in the case of similarly situated person in G.O Rt. No. 424 Revenue (Ser.III) Department dated 08/09/2015 in the interest of justice

Counsel for the Petitioners: SRI. NAYAKAWADI RAMESH

Counsel for the Respondents: GP FOR SERVICES II

The Court at the admission stage made the following: ORDER

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

WRIT PETITION No.15666 OF 2023

ORDER:

In this Writ Petition, the petitioner is seeking a Writ of Mandamus to declare the action of the respondents in not granting relaxation of probation period under Rule 16(h) of Telangana State Subordinate Service Rules, 1996 in favor of the petitioners for declaration of probation in the cadre of Probationary Deputy Tahsildar from the date of their initial appointment as illegal and arbitrary.

2. Learned counsel for the petitioners submitted that the petitioners have joined the Government service as Probationary Deputy Tahsildar, subject to completion of their probation or possessing necessary qualifications. It is submitted that the petitioners appeared for the qualifying examination within the prescribed period, but the results were declared belatedly. Therefore, their cases were to be considered for relaxation under Rule 16(h) of Telangana State Subordinate Service Rules, 1996. Pending a decision

thereon, the petitioners were promoted to the post of Tahsildhar. The Learned counsel for the petitioners submitted that the petitioners are now eligible for promotion as Deputy Collectors and due to the delay in taking a decision on the relaxation under Rule 16(h) of the Telangana State Subordinate Service Rules, 1996, the promotion of the petitioners may get delayed. He submitted that the petitioners have appeared for qualifying examination within the probation period of three (3) years from the date of joining as Probationary Deputy Tahsildars, but the results were announced by Telangana State Public Service Commission (TSPSS) with a delay and therefore, the delay in passing the examination was not due attributable to the petitioners and the said period had to be relaxed by the Government i.e., respondent No.1 under Rule 16 (h) of Telangana State Subordinate Service Rules, 1996. He submitted that for the promotion of Deputy Collector, panel has already been prepared and the names of the petitioners are included in the list subject to receipt of relaxation orders from the Government under Rule 16 (h) of Telangana State

Subordinate Service Rules, 1996. He further submitted that the case of the petitioners for relaxation has already been recommended by the respondent No.2 to respondent No.1 vide letter dated 29.12.2022. However, no action has been taken thereon and the petitioners apprehend that the case of the petitioners will not be considered for promotion due to non-receipt of relaxation orders.

3. Heard learned Government Pleader for Services-II, who took notice on behalf of respondents.

4. Having regard to the fact that the petitioners have appeared for the examination and passed the examination, but their results were declared belatedly by Telangana State Public Service Commission (TSPSC) and the condition of passing the examination within a period of three (3) years is to be considered and relaxed by the Government under Rule 16 (h) of Telangana State Subordinate Service Rules, 1996 and the issue is pending with the Government for a considerable time, this Court deems it fit and proper to direct the respondent No.1 to take a decision and to pass

appropriate orders thereon, within a period of four (04) weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of at the admission stage. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

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SD/-T.SRINIVAS
DEPUTY REGISTRAR
SECTION OFFICER

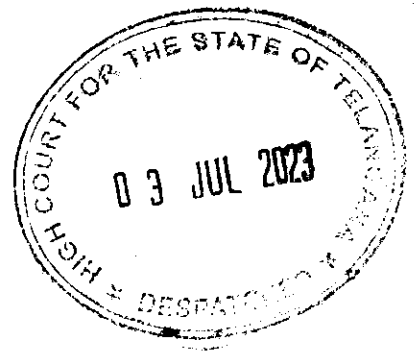
To,

1. The Special Chief Secretary to Government, Revenue Department, Secretariat Buildings, T.S., Hyderabad.
2. The Chief Commissioner of Land Administration (FAC), State of Telangana, Hyderabad.
3. The District Collector, Vikarabad District.
4. The District Collector, Medchal -Malkajgiri District.
5. Two CCs to GP FOR SERVICES II, High Court for the State of Telangana, at Hyderabad [OUT]
6. One CC to SRI. NAYAKAWADI RAMESH, Advocate [OPUC]
7. Two CD Copies

BM

HIGH COURT

DATED:21/06/2023



ORDER

WP.No.15666 of 2023

**DISPOSING OF THE WRIT PETITION
AT THE STAGE OF ADMISSION
WITHOUT COSTS**

10/
2023/6/21
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