

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION (TR) NO: 3419 OF 2017

Between:

1. KANDURI SANJEEVA REDDY, S/o: K.Krishna Reddy, aged about 41 years, working as S.I of Police, Vanasthalipuram Police Station, Cyberabad Commissionerate, Hyderabad. R/o, Flat No 403, Mega Residency, RTC Officers Colony, Champapet, Hyderabad -- 500 079.
2. BEERELLI NAGESHWAR RAO, S/o. Rajanna, aged about 41 years, working as SI of Police, Vanasthalipuram Police Station, Cyberabad Commissionerate, Hyderabad. R/o. Flat No 403, Mega Residency, RTC Officers Colony, Champapet, Hyderabad 500 079,

...PETITIONERS

AND

1. The State of Telangana, Rep, by its Principal Secretary, Finance Department, Secretariat Building, Hyderabad.
2. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat Building, Hyderabad.
3. The Commissioner of Police, Cyberabad, Hyderabad.,
4. The Pay & Accounts Officer, Telangana State, Hyderabad.,

...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 call for the connected records including the impugned Circular Memo No.39/15/FR.II/2013, dated-26.4.2013 issued by the 1st respondent and quash the same as illegal, improper, unjust, arbitrary, contrary to law and also violation of principles of natural justice and further direct the respondents to pay the additional increments to the applicants in terms of G.O.Ms.No.95, dated-3-4-2012 and also Rule-19 (15) of Fundamental Rules with all consequential benefits.

I.A. NO: 1 OF 2017(WVMP(TR). NO: 631 OF 2017)

Between:

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat Building, Hyderabad.
2. The Commissioner of Police, Cyberabad, Hyderabad.,

...APPLICANTS/RESPONDENTS

AND

1. KANDURI SANJEEVA REDDY, S/o. K.Krishna Reddy, aged about 41 years, working as S.I of Police, Vanasthalipuram Police Station, Cyberabad Commissionerate, Hyderabad. R/o, Flat No 403, Mega Residency, RTC Officers Colony, Champapet, Hyderabad -- 500 079.
2. BEERELLI NAGESHWAR RAO, S/o. Rajanna, aged about 41 years, working as SI of Police, Vanasthalipuram Police Station, Cyberabad Commissionerate, Hyderabad. R/o, Flat No 403, Mega Residency, RTC Officers Colony, Champapet, Hyderabad 500 079,

...RESPONDENTS/APPLICANTS

3. The State of Telangana, Rep, by its Principal Secretary, Finance Department, Secretariat Building, Hyderabad.
4. The Pay & Accounts Officer, Telangana State, Hyderabad.,

(The Respondent No.1 & 4 are not necessary party in O.A.)

...RESPONDENTS

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 vacate the interim orders dt. 04.03.2015 in OA.No. 1430 of 2015.

Counsel for the Petitioners: SRI B.KRISHNA

Counsel for the Respondent No.1 & 4: GP FOR FINANCE & PLANNING

**Counsel for the Respondent No.2 & 3: SRI M.V.RAMA RAO,
SPL. GP FOR HOME**

The Court made the following: ORDER

HON'BLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION (TR) No.3419 of 2017

ORDER:

In this writ petition, the petitioners are challenging the Circular Memo No. 39/15/FR.II/2013, dated 26.04.2013 issued by the respondent No. 1 and to quash the same as illegal, unjust, arbitrary, unconstitutional and in violation of principles of natural justice and to direct the respondents to pay the additional increments to the petitioners in terms of G.O.Ms. No. 95, dated 03.04.2012 and also Rule 19(15) of Fundamental Rules with all consequential benefits.

Learned counsel for the petitioners submitted that similar issue fell for consideration before the Tribunal in O.A. No. 6823 of 2013 and the Tribunal had allowed the same against which, the Government had preferred W.P. No. 9586 of 2015. It is submitted that initially an interim suspension of the order of the Tribunal has been passed, however, the writ petition was finally dismissed vide orders dated 31.08.2023. Therefore, the learned counsel for the petitioners submits that the O.A., which has been renumbered as W.P.(TR) No. 3419 of 2017, is to be allowed.

The learned Government Pleader for Home is also heard.

Having regard to the above submissions and having gone through the decision of the Tribunal rendered in O.A. No. 6823 of 2013 as well as the decision of this Court in W.P. No. 9586 of 2015, this Court is satisfied that the writ petition is to be allowed.

Accordingly, the writ petition is allowed and the Circular Memo No. 39/15/FR.II/2013, dated 26.04.2013 issued by the respondent No. 1 is hereby quashed. The respondents are directed to issue consequential orders to the petitioners within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous applications, if any pending in this writ petition, shall stand closed.

//TRUE COPY//

SD/- T.JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Finance Department, Secretariat Building, Hyderabad, State of Telangana.
2. The Principal Secretary, Home Department, Secretariat Building, Hyderabad, State of Telangana.
3. The Commissioner of Police, Cyberabad, Hyderabad.
4. The Pay & Accounts Officer, Telangana State, Hyderabad.
5. One CC to SRI B.KRISHNA, Advocate [OPUC]
6. Two CCs to GP FOR FINANCE & PLANNING, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CCs to SRI M.V.RAMA RAO, SPL. GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
9. Two CD Copies

BSR

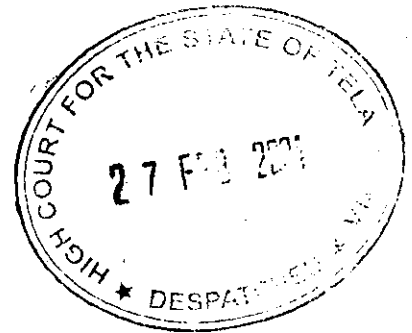
LS

HIGH COURT

DATED: 22/02/2024

ORDER

WP(TR).No.3419 of 2017



**ALLOWING THE WRIT PETITION (TR),
WITHOUT COSTS**

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27/2/24