

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

REVIEW I.A.No.2 OF 2025

In

W.P(TR).No.6115 OF 2017

DATED 22.04.2026

Between:

The Director of Prosecution, Telangana.

.... Review Petitioner

And

Sri.T.Padma & 3 others

...Respondents

ORDER:

This Review Petition is filed seeking review of the order of this Court dt.06.12.2024.

2. The writ petition was allowed directing the respondents to reconsider the case of the petitioner and give her the posting as Assistant Public Prosecutor as she continues to hold the lien on the said post and to give her posting orders accordingly.

3. Urging the following grounds the Review application is filed:-

(i) *The writ petitioner is not entitled to claim lien as she was neither a permanent employee nor appointed on substantive basis in the prosecution department as on the date of her joining in the temporary/tenure/adhoc District Judge post and her probation was not declared in the Prosecution Department.*

(ii) *The relevant Fundamental Rules relating to the retention of lien in the parent department is applicable to the employees who are appointed outside the regular lien/direct recruitment or on transfer only or on resignation, whereas in this case, the writ petitioner was neither relieved nor resigned from the post of APP.*

(iii) *As per Fundamental Rule 14(a), the lien on a permanent post which the writ petitioner holds shall be suspended on her appointment to a tenure post.*

(iv) *As per Fundamental Rule 14(b), the lien shall be suspended in case where the employee will remain absent from the post on which he holds a lien for a period of not less than 3 years, but in this case, the writ petitioner remained absent from the post of APP for more than 7 years and about 13 years by the date of filing of OA in APAT in 2016.*

(v) *The amendment orders vide G.O.Ms.No.144, Finance (FR.I) Dept. Dated 19.05.2009 to FR 14(b) are applicable prospectively and the writ petitioner had a choice to exercise her option as she was in other service*

at that time but the said orders are not retrospective and are prospectively applicable to the petitioner

(vi) The Government rejected the claim of the writ petitioner for grant of lien vide Memo.No.1466/Law/(LA&J) Home Courts.A2 Dept./07-1, dated 20.04.2007 by holding that there is no question of lien on prior post of APP.

4. Learned Special Government Pleader appearing for respondents relied upon the above grounds and placed reliance upon the decision of the Hon'ble Supreme Court in case of **K.J.John v. State of Kerala**¹ in which it was observed that “we cannot accept the contention of the petitioner that Assistant Public Prosecutors can be appointed to tenure post on deputation and may return to their parent service after completing the period of such tenure posts.”

5. He also relied on the decision of the Hon'ble Supreme Court in the case of **S.Narayana v. Md.Ahmedulla Khan and Others**², wherein it was held that regularisation of services does not automatically grant an employee lien on a post and the concepts of regularisation and confirmation are distinct i.e., an employee cannot be said to have a lien on the post until

¹ 1990 AIR 1902

² Criminal Appeal No.213/2003

confirmed in service. It is submitted that in this case, the writ petitioner has abandoned the post of APP and sought posting orders as APP only after her discontinuation from the post of Ad-hoc District Judge. Therefore, this Court ought not to have allowed the writ petition.

6. Learned Special Government Pleader has also filed a Memo dt.20.01.2026 enclosing therewith the representation of the petitioner and the letter from the Additional Director of Prosecutions and Director of Prosecutions (FAC) to the Principal Secretary to Government with regard to the representation of the writ petitioner and also copy of the Memo dt.04.01.2024 rejecting the representation of the petitioner and copy of the outward register to demonstrate that the same has been served on the writ petitioner, but that the petitioner has not challenged the rejection order and thus has not come to this Court with clean hands and hence the review application should be allowed and writ petition be dismissed.

7. Learned counsel for the writ petitioner, however, submitted that the respondents have raised new grounds in the review petition which were not raised in the counter affidavit filed in the writ petition. It is stated that the claim that the petitioner is only

an approved probationer and not the confirmed member has been taken for the first time in the review petition and also that the grounds that the petitioner has suppressed the material fact of rejection order of 2024 from the Court and further that the Court overlooked that a lien is automatically suspended/terminated if an employee remains absent from their parent post for more than three years are taken for the first time. It is submitted that O.A.No.2636 of 2016 was filed before APAT in the year, 2007 which has been transferred to the High Court and renumbered as WP(TR).No.6115 of 2017 and therefore, there was no occasion for the petitioner to state about her rejection order dated 04.01.2024 in the writ petition. Therefore, according to the counsel for the petitioner, there was no suppression of facts by the writ petitioner.

8. Learned counsel further submitted that this Court has considered the rule position under Fundamental Rule 14(b) of Fundamental Rules before holding that the petitioner holds lien in the parent Department. It is submitted that only mistakes apparent from record can be rectified and that the entire order cannot be reviewed and therefore, the review application should be dismissed.

9. Having regard to the rival contentions and the material on record, this Court finds that the respondents have referred to Fundamental Rule 14 and the amendments made to the said rule and after considering the same only, this Court has held that petitioner continues to hold lien in the parent department since she has not been absorbed in the other department by applying the provisions of Fundamental Rule 14(C). The grounds raised in the review petition were not raised in the counter affidavit and are raised for the first time in this petition. However, it does not change the legal position that the petitioner would loose her lien for the post of APP, only if she was appointed in the substantive post or she was promoted in the other department. It is also noted that lien was for a period of three years or till probation is declared. The petitioner has joined the tenure post of District Judge on temporary basis vide G.O.Rt.No.1798, dated 06.10.2003 and therefore, the lien got suspended and got revived on termination of services as District Judge. Therefore, this Court does not find any merit in the review petition and do not find any need to modify or review the orders of this Court. Further, the Hon'ble Supreme Court in the case of **Kamlesh Verma vs. Mayawati And Ors**³ has observed

³ (2013) 11 SCR 25

that “in review jurisdiction, mere disagreement with the view of the judgment cannot be the ground invoking the same. As long as the point is already dealt with and answered, the parties are not entitled to challenge the impugned judgment in the guise that an alternative view is possible under the review jurisdiction. It is also observed that review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice and review by no means is an appeal in disguise whereby an erroneous decision is re-heard and corrected but lies only for patent error.”

10. For the above reasons, the Review I.A.No.2 of 2025 in WP(TR).No.6115 of 2017 is not maintainable and it is accordingly dismissed.

JUSTICE T.MADHAVI DEVI

Date: .04.2026

dv

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9. Accordingly, the Contempt Case is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any pending, shall stand closed.

10. For filing compliance report, list this matter on 12.09.2025.