

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

FRIDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 1963 OF 2021

Between:

Dr.S.Srinivas, S/o.Late Sri Sambaiah, age 54 years, Occ. Field Officer,
Telangana State Council of Science and Technology, Saifabad, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Environment, Science and Technology Dept., T.S Secretariat, Hyderabad.
2. Telangana State Council of Science and Technology, Rep. by its Member Secretary, Saifabad, Hyderabad.
3. M. Sambasiva Reddy, S/o Laxmana Reddy, Aged about 57 years, Occ. Field Officer, Telangana State Council of Science and Technology, Regional Science Centre, Warangal.
4. Dr.C.V.Rama Krishna, S/o. not known, Aged about 57 years, Occ. Field Officer, Telangana State Council of Science and Technology, Saifabad, 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 issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities 1 and 2 not promoting the petitioner to the post of Project Officer in the existing vacancy in the 2nd respondent organization as per the revised seniority list prepared by the 2nd respondent vide Lr.No. 1576/APCOST/Ser.Rules/Emp.Seniority/2005 dated 13/24-05-2014 as illegal, arbitrary, unconstitutional and violative of Art 16 and 21 of Constitution of India, consequently direct the respondents to consider the claim of the petitioner for promotion to the post of Project Officer in the 2nd respondent organization as per

the revised seniority list prepared by the 2nd respondent vide
Lr.No.1576/APCOST/Ser.Rules/Emp.Seniority/2005 dated 13/24-05-2014
forthwith.

IA NO: 1 OF 2021

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 1 and 2 to consider the claim of the petitioner for
promotion to the post of Project Officer in the 2nd respondent organization as per
the revised seniority list prepared by the 2nd respondent vide
Lr.No.1576/APCOST/Ser.Rules/Emp.Seniority/2005 dated 13/24-05-2014
immediately, by considering the representation dated 20/01/2021 submitted by
the petitioner pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI B.ARJUN

Counsel for the Respondent No.1: GP FOR ENVIRONMENT

**Counsel for the Respondent No.2: SRI T.CHANDRASEKHAR RAO,
SC FOR MCPL**

Counsel for the Respondent No.3: SRI V.R.MACHAVARAM

The Court made the following: ORDER

THE HON' BLE SRI JUSTICE NAGESH BHEEMAPAKA**WRIT PETITION No.1963 of 2021****ORDER:**

Petitioner is a Field Officer in the 2nd respondent-State Council of Science & Technology. It is his case that the 2nd respondent has earlier prepared a Seniority List, determining the *inter se* seniority of petitioner and respondents 3 and 4, who are also Field Officers, based on Date of Joining, and later the Seniority List was changed based on Date of Birth. However, ultimately, the 2nd respondent requested clarification from the Government, and the Government issued clarification vide letter dated 01.04.2014 instructing the 2nd respondent to follow the State & Subordinate Service Rules, 1996 and take further action for revising the Seniority List. Following the Government's clarification vide letter dated 01.04.2014, the 2nd respondent prepared a Revised Seniority List dated 13/24.05.2014, whereby the petitioner's name figured at Seniority Position No.2. Meanwhile, but before the release of Revised Seniority List dated 13/24.05.2014, the Government issued a letter dated 16.05.2014 imposing a General Ban on appointments, transfers, revision of Seniority Lists etc., as allocation of employees to Telangana and Andhra Pradesh was impending due to the State bifurcation. Thereafter, the Government lifted off the ban vide G.O.Rt.No.1161 dated 24.05.2016. Petitioner submits that he submitted representation dated 20.01.2021 requesting to consider his claim for promotion as Project Officer in the 2nd respondent organization in accordance with the Revised

Seniority List dated 13/24.05.2014. As no action was taken, petitioner filed this writ petition.

2. Heard Mr. B. Arjun, learned counsel for the petitioner, and Mr. T. Chandrasekhar Rao, learned Standing Counsel for Municipalities. Perused the record.

3. Learned counsel for the petitioner, while making submissions on the lines of writ affidavit, would contend that the petitioner stands 2nd in the Seniority Position, ahead of respondent Nos.3 and 4, and is entitled to be promoted. Further, there are two clear vacancies of Project Officer position, however, the respondent authorities have not taken any action to promote the petitioner in spite of making representations.

4. Learned Standing Counsel would submit that though the General Ban imposed earlier by the Government was later lifted off vide G.O. dated 24.05.2016, the Revised Seniority List dated 13/24.05.2014 was revoked vide 2nd respondent's letter dated 01.02.2017, and the earlier Seniority List prepared vide 2nd respondent's letter dated 19.06.2006 was furnished to the Departmental Promotion Committee (DPC), however, the 2nd respondent has not issued any promotion orders to respondent Nos.3 and 4 yet, as certain clarifications were sought from the General Administration (Services) Department. It is further contended that the primary qualification required for promotion is that the prospective candidate must have at least five years of service in the Cadre, and the qualifications of Masters in Business Administration, and Doctor of Philosophy are only additional qualifications. It is also contended that

respondent No.3 has earlier relinquished his claim for considering for promotion, however, later he has withdrawn that relinquishment letter before the DPC, and the same was reported to the Government, and the 2nd respondent is waiting for clarification from Government in the matter. It is further contended that the petitioner's representation dated 20.01.2021 is under consideration of the Government.

5. At the outset, it may be noted that the 2nd respondent, on earlier occasions, prepared Seniority Lists by considering the Date of Joining and later Date of Birth etc., as the criteria for assigning Seniority Position. However, on receiving clarification from the Government, vide letter dated 01.04.2014, the 2nd respondent prepared a Revised Seniority List dated 13/24.05.2014 by following the State & Subordinate Service Rules, 1996. It may further be noted that, except for an averment in the counter affidavit, there is nothing placed on record by the 2nd respondent to show the authority/basis for revoking the Revised Seniority List dated 13/24.05.2014, by overriding the Clarification issued by Government dated 01.04.2014, and issuing the letter dated 01.02.2017 communicating to the DPC an earlier Seniority List dated 19.06.2006 for promoting the candidates.

6. It is to be noted that the Revised Seniority List dated 13/24.05.2014 was inoperative until further orders due to impending allocation of employees due to State bifurcation, but not entirely dismantled/infructuous because of the General Ban. It cannot be in dispute that the 2nd respondent prepared the Revised Seniority List dated

13/24.05.2014 following the State & Subordinate Service Rules, 1996, upon receiving the clarification issued by the Government vide letter dated 01.04.2014. Thereafter, there is nothing on record with regard to the Government re-instructing the 2nd respondent to follow some other procedure for preparation of a new Seniority List or to revive the old Seniority List as of 19.06.2006, subsequent to lifting off the general ban.

7. Furthermore, it is curious to note that it is the very stand of the 2nd respondent itself, in the counter affidavit filed in W.P.No.11410 of 2020 (filed by respondent No.3 herein, one year before this writ petition), that the Member Secretary of 2nd respondent Organization has finalized the Revised Seniority List dated 13/24.05.2014, and the petitioner stands at Seniority Position No.2, and it was also specifically stated that there was no grievance from any person at the time of issuance of Revised Seniority List on 13/24.05.2014. That being the case, the 2nd respondent is estopped from deposing contradictory versions on the very same matter.

8. Having considered the respective submissions, and perusing the record, the Revised Seniority List dated 13/24.05.2014 being the latest authoritative one prepared on the clarification received from the Government, and there being no authority to revive the Seniority List of 2006, this Court is of the considered view that there is force in the contention of the petitioner regarding his entitlement for promotion as Project Officer in the 2nd respondent as per the Revised Seniority List dated 13/24.05.2014 prepared with the authority of State and

Subordinate Service Rules, 1996 basing on Government clarification, and in the light of vacancy of Project Officers.

9. Accordingly, the writ petition is allowed, directing the 2nd respondent to forthwith consider the petitioner's candidature for promotion as Project Officer, strictly based on the Revised Seniority List dated 13/24.05.2014, and further subject to any other service conditions determining his eligibility for promotion, and pass appropriate orders thereon, within a period of four weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-L. LAKSHMI BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Environment, Science and Technology Dept., T.S Secretariat, Hyderabad, State of Telangana.
2. The Member Secretary, Telangana State Council of Science and Technology, Saifabad, Hyderabad.
3. One CC to SRI B.ARJUN, Advocate [OPUC]
4. One CC to SRI V.R.MACHAVARAM, Advocate [OPUC]
5. One CC to SRI T.CHANDRASEKHAR RAO, SC FOR MCPL [OPUC]
6. Two CCs to GP FOR ENVIRONMENT, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

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HIGH COURT

DATED: 24/01/2025

ORDER

WP.No.1963 of 2021



**ALLOWING THE WRIT PETITION,
WITHOUT COSTS**

(10) Copies
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21/2/25