

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

WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA**

WRIT PETITION NOS: 18973 & 19988 OF 2021

W.P.No.18973 OF 2021

Between:

Sri A.Ramakrushna, S/o Late A.Nageswara Rao Aged about 43 years Occ. Junior Accounts Officer Andhra Pradesh Power Generation Corporation Ltd. SDSTPS, Nelatur, Nellore District. R/o Nelatur - 524347

...PETITIONER

AND

1. The Telangana State Power Generation Corporation Ltd, Rep by its Chairman and Managing Director Vidyuth Soudha Hyderabad
2. Andhra Pradesh Power Generation Corporation Ltd, Rep by its Chairman and Managing Director Vidyuth Soudha, 3rd Floor, Gunadala Vijayawada
3. Chief Engineer, Electrical Operation and Maintenance Srisailam Dam (West)
4. The Director (HR), Telangana State Power Generation Corporation Ltd. Vidyuth Soudha
5. The Chief General Manager (IS and ERP), Andhra Pradesh Power Generation Corporation Ltd. Vidyuth Soudha, 3rd Floor, Gunadala Vijayawada
6. The Financial Advisor and Chief Controller of Accounts (Res), Telangana State Power Generation Corporation Ltd. Vidyuth Soudha

...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 direction, order or writ more particularly one in the nature of writ of Mandamus. a. Declaring the action of the 1st Respondent in issuing letter No. Lr. No. CMD/Dir(HR)/DS(Estt)/ AS (EStt) 174/2017-1 dated 5/1/2021 as arbitrary, illegal, unjust and violative of Articles 14 and 16 of the Constitution of

India b. Consequently, direct the 1st Respondent to accept the request of the Petitioner for being repatriated to the 1st Respondent Corporation and thereon and reckon his seniority in the 1st Respondent Corporation and release all benefits that would arise therefrom.

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 to issue orders repatriating him to the 1st Respondent-Corporation duly protecting the seniority in the 1st Respondent-Corporations.

**Counsel for the Petitioner : SRI GODA SHIVA, Senior Counsel
rep., SMT.GODA RAMALAKSHMI**

Counsel for the Respondent No.1,4&6 : Ms.K.UDAY SREE, SC FOR TSPGC

Counsel for the Respondent No.2&5 : SRI M.VIDYASAGAR, SC FOR APPGCL

**Counsel for the Respondent No.3 : SRI B.RAJESHWAR REDDY, GP
on behalf of SRI P.GOVIND REDDY, Counsel for AP**

Counsel for the Respondent No.5 : SRI G.VIDYASAGAR

W.P.No.19938 OF 2021

Between:

Smt. B.A. Manga Tayar, W/o Sri M.R.L. Narasimha Rao, Aged about 48 years,
Occ. Junior Accounts Officer Andhra Pradesh Power Generation Corporation Ltd.,
Vidyuth Soudha, Vijayawada, R/o Vijayawada

...PETITIONER

AND

1. The Telangana State Power Generation Corporation Ltd., Rep by its Chairrnan and Managing Director, Vidyuth Soudha, Hyderabad.
2. Andhra Pradesh Power Generation Corporation Ltd., Rep by its Chairman and Managing Director, Vidyuth Soudha, 3rd Floor, Gunadala, Vijayawada.
3. Chief Engineer, Electrical Operation and Maintenance Srisailam Darn (West).
4. The Director (HR), Telangana State Power Generation Corporation Ltd., Vidyuth Soudha, Hyderabad.
5. The Financial Advisor and Chief Controller of Accounts (Res), Telangana State Power Generation Corporation Ltd., Vidyuth Soudha, 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 a direction, order or writ more particularly one in the nature of writ of Mandamus a) Declaring the action of the 1st Respondent in issuing letter No. Dir(HR)/DS(Estt)/AS(Estt)/AM(HR)/14/2020-1, dated 21/1/2021 of the 1st Respondent and quash or set aside the same holding it as arbitrary, illegal, unjust and violative of Articles 14 and 16 of the Constitution of India, b) Consequently, direct the 1st Respondent to accept the request of the Petitioner for being repatriated to the 1st Respondent Corporation and thereon, grant promotion as Assistant Accounts Officer on and from the date on which her juniors, as per seniority list dated 10/5/2013 were promoted to the said post, c) Further direct that the Petitioner is entitled to all the benefits (seniority and monetary) that would flow out of the reliefs prayed for above and release the same together with interest at such reasonable rate as this Honourable Court may deem appropriate.

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 to issue orders Promotion as Assistant account officer on an ad hoc basis as juniors of the Petitioner have been Promoted in both the 1st and 2nd Respondent Corporations.

**Counsel for the Petitioner : SRI GODA SHIVA, Senior Counsel
rep., SMT.GODA RAMALAKSHMI**

Counsel for the Respondent No.1&6 : Ms.K.UDAYA SREE, SC FOR TSPGC

Counsel for the Respondent No.2&5 : SRI M.VIDYASAGAR, SC FOR APPGCL

**Counsel for the Respondent No.3 : SRI B.RAJESHWAR REDDY, GP
on behalf of SRI P.GOVIND REDDY, Counsel for AP**

Counsel for the Respondent No.5 : SRI G.VIDYASAGAR

The Court made the following: COMMON ORDER

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

**THE HON'BLE SRI JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA**

DATE: 31.12.2025

WRIT PETITION NOS.18973 AND 19988 OF 2021

Between:

A.Ramakrushna S/o late A.Nageswara Rao. ...Petitioner

AND

The Telangana State Power General
Corporation Limited.

...Respondent

COMMON ORDER

These two Writ Petitions are filed under Article 226 of the Constitution of India praying this Court to issue a Writ, Order or Direction, more particularly, one in the nature of writ of Mandamus declaring the action of the 1st respondent in issuing letter Nos.CMD/Dir(HR/DS (Estt) /AS (Estt)/174/2017-1, dated 05.01.2021, letter No.Dir (HR)/DS (Estt) AM(HR)/14/2020-1, dated 21.01.2021 to be bad in law and to quash or set aside the same. Consequently to direct 1st respondent to accept the request of the petitioners for being repatriated to the 1st respondent-

Corporation and grant promotion as Assistant Accounts Officer from the date on which his/her juniors stood promoted, as per seniority list, dated 10.05.2013. Further to grant all the benefit (seniority and monetary that would flow out of the reliefs and prayed to release the same together with interest at reasonable rate.

2. Heard **Sri Goda Shiva**, learned Senior Counsel, representing **Smt. Goda Rama Lakshmi**, learned counsel for the petitioners, **Sri B.Rajeshwar Reddy**, learned Government Pleader appearing on behalf of **Sri P.Govind Reddy**, learned counsel for the State of Andhra Pradesh-respondent No.2 and **Sri G.Vidyasagar**, learned Senior Counsel, appearing for respondent No.5.

3. Brief facts of the case in W.P.No.19988 of 2021 are as follows:

The petitioner was appointed as Lower Division Clerk on compassionate grounds on demise of her father. She reported to duty on 13.12.1995 and subsequently she was promoted as Junior Accounts Office (JAO) on 31.08.2010. Her seniority in the said cadre was maintained in the

Seniority unit of Srisaillam Left Bank Hydro Electrical Scheme. In the seniority list, she was shown at Sl.No.13. It is further stated that for considering the unit of the petitioner, the entire Corporation (APGENCO as it then was) would be the unit of appointment. The Seniority upto the JAOs would be Division-wise, and as such integrated seniority list is to be prepared for the purpose of determining the Zone of consideration for promoting JAOs and AAOs.

3(a). It is further stated that the erstwhile State of Andhra Pradesh was bifurcated and a new State of Telangana was formed by virtue of the Andhra Pradesh Re-organisation Act 2014, w.e.f. 02.06.2014. The erstwhile APGENCO issued order on 31.05.2014 allotting certain JAOs to work temporarily in APGENCO and TSGENCO.

3(b). It is further case of the petitioner that the respondents informed that where promotions are ordered in parent department of persons who are sent on 'deputation' would be considered commonly called the 'next below rule'. However, treating the petitioner to be permanently moved out of TSGENCO promotion orders of Assistant Accounts

Officers was published on 13.06.2017. Meanwhile, the provisional seniority list of JAOs was drawn by APGENCO on 26.10.2020 and the petitioner's name was not included therein. The objections were called for and the petitioner submitted her representation to include her name in the seniority list of JAOs, by APGENCO or repatriate her to parent unit i.e., TSGENCO.

3(c). On 21.01.2021, the TSGENCO has issued proceedings dated 21.01.2021 stating that the term 'deputation' is not contemplated in regulations in vogue for transfer/allotment of employees from one place to another within the organization and for allocation of the employees between two entities based on their nativity. Finally, the order stated that her original transfer Memo dated 31.05.2014 cannot be considered as 'deputation' and issuing of orders for repatriation of her services from APGENCO to TSGENCO at this length of time is not correct.

4. Brief facts of the case in W.P.No.18973 of 2021 are as follows:

Initially the petitioner was appointed as Junior Plant Attendant on compassionate grounds and he reported to

duty on 15.02.1999. By virtue of seniority and clean record of service, he was promoted as Junior Accounts Officer on 17.03.2011. His seniority as JAO was maintained in the seniority unit of the Srisaillam Left Bank Hydro electrical Scheme. The petitioner was shown at Sl.No.25. It is further stated that from the post of Assistant Accounts Officer, the entire Corporation would be the unit of appointment. The seniority upto the Junior Accounts Officers would be Division Wise and as such, in integrated Seniority List is to be prepared for the purpose of determining the zone of consideration or promoting JAOs and AAOs. The seniority of JAOs would be the basis on which integrated seniority is made.

5. It is further case of the petitioner that the seniority was maintained at Srisaillam Left Bank Power House, which falls within Telangana State and the petitioner was sent on deputation to Andhra Pradesh Power Development Company Limited, a subsidiary of APGENCO, duly maintaining the lien and seniority at the parent Unit i.e., SLBHES/Srisaillam Dam West and as such, he has been working at SDSTPS/NELATUR.

6. This arrangement was made based on his request for medical grounds. Further, it is averred that concept of 'deputation' is not contemplated in the existing regulations that governs employee transfer/allotment from one place to another within the organisation and for allotment of employees between two entities based on their nativity. Finally, it is stated that the transfer order in memo dated 01.10.2013, The term 'deputation' cannot be considered as deputation and issuance of orders for repatriation of services from APGENCO to TGGENCO at this length of time was not correct. Further, it was contended that the provisional seniority list of JAOs was published by APGENCO on 26.10.2020 and his name was not included therein. Despite submitting objections and multiple requests for repatriation, neither APGENCO included his name in their JAO Seniority list nor TSGENCO allow him to return to his parent department. Instead of doing the needful i.e., repatriate him back to the parent department or included him in the senior list of APGENCO, the authorities simply added a remark in the final seniority list in response to his objections, which reads thus:

"As the SLBHES Station comes under Zone -5. Which is covered under Telangana State,the TSGENCO has issued a proceeding dated 05.01.2021 which is rather peculiar if not funny. It would state that the term deputation is not contemplated in regulations in transfer/allotment of employees between two entities based on their nativity."

7. It is further contended that the petitioner temporarily deputed to the APGENCO until further orders. Accordingly, she has been working at present place of posting as JAOs admittedly on a temporary deputation basis. It is further contended that with the bifurcation of the States, the question of allotment of the employees of the Corporations were subject matter of State of litigation. A One-Man Committee was constituted for the purpose of allocation of employees to the respective States. Options were called for by the committee for the employees. Since deputation order clearly shows that his seniority is being maintained by unit which falls within the generation of the State of Telangana, he has opted for being allotted to Telangana. Though, in terms of provisions of the Andhra Pradesh Re-Organisation Act 2014, the employees of local, District, Zonal, and Multi Zonal, which fall entirely in one of the State shall be deemed

to be allotted to the successive State. Since it was held by him in substantial capacity in the State of Telangana, as lien was maintained in the seniority unit of TSGENCO, he deemed to be an employee of TSGENCO.

8. However, his option was not accepted, though it was initially added in the list drawn out for that purpose in the final list, his name was deleted from the list of office and on oral enquiry. He came to know that as he being all employees of TSGENCO, and as such for the refusing of the option was not necessary, and it is only for the State employees. Even though he made a representation to get himself repatriated to the parent unit i.e., Telangana, the same was not considered and no response came forward from the respondents.

9. It is further contended that the order passed by the 1st respondent and posting him at Sri Damodaram Sanjeevaiah Thermal Power Station makes it clear that his lien would be maintained in the parent unit of Srisailem Left Bank, which falls within the State of Telangana, as such he invoked the jurisdiction of this Court. Further, on a reading of Memo, dated 01.10.2013, makes it very clear

that the seniority is being maintained by unit which falls within the territorial jurisdiction of the State of Telangana. The specific direction was that he has been temporarily deputed to work in APGENCO and that he had no role to play in authorizing the said memo. Further, this Court stated that he had no role to play in authorizing the said Memo. It is stated that taking advantage of the wrong argument that deputing him to work in Nellore with lien maintained in the seniority list falls under TSGENCO.

10. Further, he has no interest in the seniority list of both APGENCO and TSGENCO, and thereby he was deprived of his rightful seniority to provide protection in either of the Corporations and the same is liable to be remedied since the TSGENCO is projecting a very peculiar reason for not agreeing to his repatriation and it has become necessary for him to approach this Court seeking relief.

11. Respondent No.2 filed counter-affidavit admitting the fact that the petitioner was working with the SLBHES and also contenting that she was transferred to headquarters of APGENCO in 2005 in the cadre of U.D.C from Srisailem Project, duly maintaining a lien at the parent unit i.e.,

SLBHES. Later, she was promoted as JAO and was posted at where she joined the duty as she worked in the headquarters of APGENCO on deputation basis, duly maintaining her lien and seniority in the parent unit of Jurala. It is also admitted that while allocation of the projects after the bifurcation was made based on geographical locations and Duo Project covered under TSGENCO. It is further contented that furnishing integrated seniority list to the JAOs working in Andhra Pradesh, the name of the petitioner was not included in the integrated seniority list, as seniority is being maintained at the Jurala/DSG and she is working in APGENCO on deputation basis only.

12. It is further contended that based on the personal representation dated 02.11.2020 of the petitioner for repatriation to TSGENCO, a letter dated 22.12.2020 has been addressed to the 1st first respondent and requested to issue the repatriation orders to the first respondent to enable her to relieve from the 2nd respondent corporation and the same has been rejected with invalid reasons. It is further contented that the petitioner was continued on deputation to work in



residual APGENCO.

13. It is further submitted that the order dated 31.05.2014 of the petitioner has been repatriated to the parent department i.e., Jurala and on deputation she has to work temporarily in APGENCO duly maintaining her lien and seniority at Jurala. Further, as the petitioner is not covered under the State Cadre category as the employees working in the power generation stations in the cadre of JAOs were fallen under Zonal category not State cadre. The Hon'ble Supreme Court and One-man Committee appointed by the Supreme Court of India dealt specifically with the allocation of State Cadre Employees between APGENCO and TSGENCO. The One-Man Committee has called for the options from the State cadre employees of APGENCO. Accordingly, the Zonal cadre employee's options were not considered though some zonal employees working on deputation at the Corporate Office/APGENCO. Since the petitioner falls under the Zonal category with her lien maintained at Jurala Project TSGENCO, hence her options was not considered and she was not included in the allocation list prepared by One-Man Committee. Further,

based on the request of the employees who are working at the corporate office on deputation from TSGENCO units, their names were separately submitted for consideration of One-man Committee, but the same was not accepted by the Committee due to the character of JAOs., under the category. It is further submitted that though letter was addressed to CMD/TS Genco for seeking repatriation to her parent unit at Jurala, but they have been rejected by TSGENCO for the reasons stated above, learning her in the 'state of administrative limbo', neither properly absorbed into APGENCO with appropriate seniority recognition nor allowed to return to her parent department where her original lien is maintained.

14. It is further contented that while the integrated seniority list of the JAOs working in APGENCO, the name of the petitioner was not included due to her lien and seniority, which being maintained at Jurala /TSGENCO unit and working in APGENCO on deputation basis only.

15. The respondent No.4-TSGENCO filed counter made in the passion and contending that the petitioner stands allocated to APGENCO in terms of the One-Man Committee

report and the petitioner alleged to have made a representation dated 20.12.2020, repatriation of her services from APGENCO to TSGENCO. The APGENCO vide letter dated 22.12.2020, addressed to TSGENCO to issue repatriation orders to the petitioner. The said letter of APGENCO dated 22.12.2020 and the TSGENCO letter dated 05.01.2021 informing that issue of repatriation of service of the petitioner from APGENCO to TSGENCO is not viable and treated it as rejected.

16. It is further contented that in terms of the decisions directions of the Supreme Court vide its order dated 28.11.2018 and 07.12.2020, reported in **(2018 (SCC online SC 3644) and (2021 (1) SCC 489)** any dispute with regard to the allocation of Power Utilities Companies is not maintainable before this Court. Further, it is stated that the petitioner has an option to approach the Hon'ble Supreme Court, wherein similar orders passed by this court in W.P.No.31856 of 2021 dated 18.01.2022, and when the similar issue was arose in W.P.No.4981 of 2021 vide order dated 03.02.2022, dismissed the writ petition leaving it open to the parties to approach the Hon'ble Supreme Court.

17. Respondent Nos.13 and 5 also filed an additional counter-affidavit and contending that the relief which is sought by the petitioners is not maintainable before this Court as similar writ petitions filed by the parties were dismissed leaving it open to approach the Hon'ble Supreme Court of India.

18. It is further stated that as the grievances as projected are only against the APGENCO and since the APGENCO is situated in the State of Andhra Pradesh, this Court has no jurisdiction to decide the rights of the petitioner *vis-à-vis* the APGENCO. It is further contended that as per G.O.Ms.No.25, dated 31.05.2014, the petitioner is not an employee of the TSGENCO, therefore, the seniority list of the JOAs. of the TSGENCO, and the consequential promotions have no bearing with regard to the grievances of the petitioners and she has to work out as to her seniority with the APGENCO only. It is further contended that letter dated 21.01.2021 was communicated to the Managing Director, APGENCO, Vidyut Soudha, Gunadala, Eluru, Road, Vijayawada, Andhra Pradesh, State, and the representation made by the petitioner is devoid of merits and the letter was not

communicated to the writ petitioner. Since the petitioner was not communicated with the proceedings and it is purely internal correspondence between the TSGENCO and APGENCO, the said communication cannot be challenged by the petitioner in the present petition. The petitioner has to work out remedies against its own employer, but not against this respondent.

19. Further, the petitioner grievance can only be resolved by the APGENCO as she is deemed to be allocated to APGENCO in terms of the orders of the Hon'ble Supreme Court and she has to work out her remedies with the APGENCO only and that the order passed by the Hon'ble Supreme Court, dated 07.12.2020 has attained finality. In view of the concluding report of **Justice D.M.Dharmadhikari**, Judge, Hon'ble Supreme Court of India for allocation of employees of the power utilities between the State of Telangana and the State of Andhra Pradesh. The One-Man Committee submitted his final report dated 26.12.2019 and thereafter supplementary report dated 11.03.2020 and conclusion report dated 20.06.2020. In the concluding report, it was recorded as follows. All the

employees not included in the allocation list of T.A. and serving on an order to serve basis in the companies on the formation of the two States in 2014 would be deemed to have been allocated to the company.

20. It is further stated that the then State of Andhra Pradesh in exercise of powers conferred under Section 53 of the Act, 2014 issued G.O.Ms.No.25, Energy (CC) Department, dated 29.05.2014 for creation of GENCO for Telangana State in accordance with the provisions of the Act, 2014 for allotment of common services staff for Andhra/Telangana by dividing the 'Sanctioned strength in the Region' with the 'total sanctioned strength of APGENCO excluding Head Quarters.' It is stated that based on the said principle, the posts of headquarters are transferred to both the GENCOs as detailed in Annexure-B to the said G.O. In Finance & Accounts Department, total posts are 65 in the cadre of Junior Accounts Officer. Out of which, 32 were allocated to the State of Andhra Pradesh and 33 to the State of Telangana. The writ petitioner was allotted to APGENCO from among Junior Accounts Officers working in Head Office, Vidyut Soudha, Hyderabad vide proceedings, dated

31.05.2014, issued by the APGENCO. The petitioner in W.P.No.19988 of 2021 has been working in APGENCO w.e.f. 02.06.2014 onwards.

21. It is also stated that the then APGENCO issued Memo, dated 31.05.2014 allocating JAOs., who are working at Vidyut Soudha, Hyderabad, while their lien and seniority mentioned against their names in other respective units and on deputation they have to work temporarily in APGENCO and TSGENCO and in the said list the petitioner's name is shown at Sl.No.3 and he was allocated to APGENCO.

22. Further, the Government of Andhra Pradesh issued G.O.Ms.No.29, dated 31.05.2014, wherein para No.2 of the said G.O. specifies a scheme of providing for and gives effect to transfer of Assets, Properties, Liabilities, Obligations, Proceedings, Personnel etc., relating to whole business of APGENCO. As per said G.O., transfer of employees between two GENCOs shall be as per the guidelines meant for government employees. Pending such transfer, all permanent employees were transferred to TSGENCO duly following the guidelines for allotment of staff. The petitioner, who was working in the Headquarters, Hyderabad, as on the effective

i.e., on 02.06.2014 was allotted to APGENCO in terms of proceedings, dated 31.05.2014. The petitioner was allotted to APGENCO and her name does not find place in the posts sanctioned to TSGENCO. Thereafter, the APGENCO shifted its headquarters from Hyderabad to Vijayawada and the petitioner has been continuing to work in APGENCO Headquarters at Vijayawada.

23. In reply to the counter filed by the respondent No.4, the petitioner filed reply to the counter filed by respondent Nos.1, 3, 5 and placed reliance on the judgments of this Court in W.P.No.4981 of 2021 and W.P.No.31856 of 2021, contending that the same are not applicable, as he/she has been holding a Zonal cadre post, the allotment which never formed the subject matter of discussion by the One Man Committee. It is further stated that he belongs to Zonal cadre vouched by the counter-affidavit filed on behalf of APGENCO. The relevant portion as has been averred at para No.7 reads as follows:

“Options were called from all the state cadre employees of APGENCO. Accordingly, the zonal cadre employee’s options were not considered though some zonal employee working on deputation in Corporate Office/APGENCO.”

24. It is further stated that the fact that the respondents either of the APGENCO or the TSGENCO should have counted the seniority of the petitioner because the State has been bifurcated. It is further stated that his seniority is not being considered in either of the GENCOs and this can never stand to the scrutiny of the Court.

25. In W.P.No.18973 of 2019, learned counsel for the petitioner argued and contended that the petitioner, who was under the control of O&M/SLBHES and transfer of control and Chief Manger O&M/SDSTPS against one existing vacancy until further orders. His lien and seniority shall be maintained at his parent unit only. Subsequently he was relieved on 25.11.2013. Pursuant to the Memo, dated 28.11.2013, the petitioner was once again reposted from SLBHES to SDSTPS. Pending the same, as bifurcation of united Andhra Pradesh took place on 02.06.2014 and on 05.01.2021, considering the representation of the petitioner as per his Service Records as he is native of Rayalaseema of Andhra Pradesh and pursued his studies upto Graduation from Kurnool. He further submits that considering the grounds that his wife needs regular medical checkup and

also considering that he has responsibility to look after the old aged grandparents since his parents expired. He was transferred and posted to the control of the CE/O&M/SDSTPS against the existing vacancy in the said letter, it is stated that it is in appropriate usage of the term 'deputation' and the said term of 'deputation' is not contemplated in the Regulations in vogue for transfer of employees from one place to another within the organization, rather it should have been treated as request transfer from one place to another place.

26. Further as per G.O.No.10/22.01.1993, the maximum deputation period allowed to an employee as prescribed therein is only 5 years and in the present case, the incumbent was transferred from SLBHES to SDSTPS on 01.10.2013, at his personal request against the existing vacancy available at SDSTPS at the relevant time i.e., at the time of bifurcation of composite State of Andhra Pradesh in view of G.O.Ms.No.25, Energy (CC) Department, dated 29.04.2014 read with Circular Memo No.19184/SR/A1/2014, dated 05.11.2014, all the District cadre and zonal cadre employees other than State Cadre

employees are deemed to have been allocated to the respective Power Utilities wherever they are working as on 02.06.2014. As per direction No.V of the concluding report dated 20.06.2020 of the One-Man Committee constituted by the Hon'ble Supreme Court.

27. He further contended that as per the said report of One-man Committee constituted by Hon'ble Supreme Court wherein it is stated that 'all the employee not included in the allocation list of AP & TS and serving on 'order to serve' basis in the companies on the formation of the two states in 2014 would be deemed to have been allocated to the company where they are presently posted and working.' He further contended that transfer of petitioner cannot be termed as 'deputation' and on the said ground and so also in view of One-Man Committee Report. He also submits that transfer of petitioner in W.P.No.18973 of 2021 from SLBHES to SDSSTPS as ordered in Memo 01.10.2013 cannot be termed as deputation and issuing of repatriation orders for his services from APGENCO to TSGENCO at this point of time is not viable and accordingly repatriation was not considered and the same was rejected.

28. Further, he also argued that the said order was not communicated, immediately, he submitted several representations, one of which dated 02.06.2017, wherein the petitioner sought for cancellation of his 'deputation' and also seeking to consider his case on lien and seniority on par with other colleagues working at Srisailam Project. In the said representations, the petitioner sought for to consider his case and restore his lien and seniority at SLBHES/TSGENCO to APPDCL/SDSTPS and finally on 20.04.2021 and 30.03.2021 he made representation to the Chief Generral Manager, O&M, APPDCL, SDSTPS, Nelatur (V), Muthukur Mandal, S.P.S.R. Nellore District and the same was forwarded to the Chief General Manager (Admn.IS&ERP), APGENCO, Vidyut Soudha, 3rd Floor, Gunadala, Vijayawada, Andhra Pradesh.

29. It is further argued and contended that as on the date of passing of the impugned order, dated 05.01.2021, the request of the petitioner for repatriation of his services from APGENCO to TSGENCO was not considered as the petitioner was not viable and was rejected. He further argued that as it is only 'deputation' post though he was having lien over his post and he was having a chance in view bifurcation subject



to condition that his lien over the post of seniority will be maintained. He further contended that the petitioner is still continuing to be an employee of TSGENCO, as such the contention that as he was serving the APGENCO as on the date of bifurcation cannot be treated as an employee of APGENCO. He also contended that as per Memo, dated 01.10.2013 seniority list is maintained. All these are within the territorial jurisdiction of the Telangana State, and basing on which deputation has no role in the State. In view of bifurcation as he was kept in APGENCO, balance of convenience is in his favour, the seniority he was forced alleged which has been denied for promotion of JAOs and AAOs, in accordance with law.

30. The contention of the respondents is that 'deputation' is misnomer and therefore the question of repatriation does not arise and also cannot help the respondents to justify the impugned action as acceptance of that statement which would amount to paying a premium to the wrong doer as the petitioner has no role to play in the language employed in the order. It is further argued that the respondents cannot treat the petitioner in W.P.No.19988 of 2021 as an employee of

TSGENCO on the basis of One-Man Committee report. He also further contended that the APGENCO never considered her name while preparing provisional seniority list and did not include her in the said final list in terms of the APGENCO. In spite of not treating her as an employee of APGENCO, she was not repatriated though several representations were submitted seeking repatriation. Though the petitioner has opted being elected to TSGENCO, her lien and seniority was maintained in the unit which was under the State of TSGENCO and the petitioners objections was not accepted though it was initially for the purpose, however in the final list, her name was deleted. Though she has made representations from time to time requesting the respondents to repatriate her to parent unit, the same would not yield any result. None of the representations has been considered by the respondents. He also further pointed out that as per G.O.Ms.No.29, dated 31.05.2014, which was issued in respect of transfer scheme following the reorganization. Further, the Act requires the State of Andhra Pradesh to initiate activities relating to creation of successor States including apportionment of assets, liabilities,

employees, contracts etc., between the two successor States. He also pointed out that as per sanctioned posts for Telangana Region, Projects located in Telangana State shall stand transferred to TGGENCO with effective date. The posts at APGENCO Head quarters shall divided between two GENCOs based on the principles described. Further, an employee's lien on a post may under no circumstances be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post. It is also pointed out that the special provisions of Regulation 27, the Corporation may transfer an employee from one post to another, provided he holds a lien or would hold a lien, had his lien not been suspended under Regulation 24.

31. Admittedly, as per the judgment of the Hon'ble Supreme Court in **Telangana Power Generation Corporation Ltd (TSGENCO) v. Andhra Pradesh Power Generation Corporation Ltd., and others¹**, wherein the Hon'ble Supreme Court constituted One-Man Committee of **Justice D.M.Dharmadhirai**, by an order, dated 28.11.2018

¹ 2018 SCC Online SC 3644

and fixed the modalities and finalized the allocation of the employees working in Corporations and Companies in the erstwhile Andhra Pradesh Power Sector. Unlike allocation of employees in Government services in the case of Public Undertakings, the provisions contained in Section 82 of the Act provided for allocation of employees on the basis of modalities to be determined mutually by the corporation/companies in Public Sector.

32. The modalities and directions of the One-Man Committee at paragraph No.V it was held as follows:

"All employees not included in the Allocation List of AP and TS and serving on "order to serve" basis in the Companies on the formation of the Two States in 2014 would be deemed to have been allocated to the Company where they are presently posted and working."

33. All the employees of allocation lists of Andhra Pradesh and Telangana utilities will issue order of posting and joining with granting sufficient time to the employees to report for duties, keeping into consideration the constraints on movements in the current corona virus pandemic period and the consequent lockdown imposed.

34. Learned counsel for the respondents argued and contended that as this Court has got power to entertain writ

petitions on the ground that the Hon'ble Supreme Court while appointing One-Man Committee also accepting it as final and it is binding on all the Committees and union Committees as well as employees directing that it shall be executed by all the authorities as an order of the Court.

35. Further at paragraph No.20 of the report it was held as follows:

“ However, in case, any clarification of further direction is required by any of the parties they are entitled to approach this Court by filing interlocutory application in these proceedings.”

36. It was also pointed by learned counsel for the respondents at paragraph No.24 of the Supplementary Report, dated 11.03.2020, which reads as follows:

On behalf of TS Power Utilities it has been conveyed in writing to this Committee that TS Power Utilities are agreeable to accommodate 71 employees from AP side to TS Companies whose names are mentioned in Annexure-I-A, Annexure-I-B, Annexure-I-C as they are special cases like of Spouses, Medical, Handicapped employees or their dependants which are special category of cases covered by Modalities to IX to XIII.”

37. It was also pointed out by learned counsel for the respondents in the counter-affidavit filed by respondent No.4 that in similar issue, this Court without going into the merits of the case, passed order dated 03.02.2022 in W.P.No.4981 of 2021 and W.P.No.31856 of 2021, dated

18.01.2022 while taking into consideration the order, dated 28.11.2018, of the One-Man Committee comprising of the Hon'ble D.M.Dharmadhikari, Judge, (Retd.) Supreme Court).

38. The order passed in W.P.No.31856 of 2021 reads as follows:

"The petitioner before this Court has filed this writ petition with a prayer for issuance of an appropriate writ or order or direction to the respondents to allocate the petitioner to the Transmission Corporation of Telangana Limited (TSTRANSCO). The undisputed facts of the case make it very clear that the matter relating to allocation of employees of the TSTRANSCO was subjected to judicial scrutiny before the Hon'ble Supreme Court and the Hon'ble Supreme Court, while passing an order in Civil Appeal No.11435 of 2018 on 28.11.2018 has observed as under:-

"We make it clear that the decision of the one man Committee head by Justice Dharmadhikari shall be final and binding on all the parties including Power Utility Companies of the two States as well as the employees and shall be executed by all the parties as an order of this Court."

The one man Committee headed by Hon'ble Justice Dharmadhikari has finally submitted a report considering the cases of each and every individual for the purpose of allocation to the TSTRANSCO and the Andhra Pradesh Power General Corporation Limited (APGENCO) and by virtue of the order passed by the Hon'ble Supreme Court, the report of the Committee has also been executed. The order passed by the Hon'ble Supreme Court dated 28.11.2018 makes it very clear that the decision of the one man Committee shall be executed by all the parties as an order of the Hon'ble Supreme Court.

In the considered opinion of this Court, as the order of the one man Committee has to be executed as an order of the Hon'ble Supreme

Court, the remedy does not lie before this Court and it lies somewhere else.

Resultantly, the Writ Petition stands disposed of with a liberty to the petitioner to take appropriate steps for ventilating the grievance in the matter. Learned counsel for the petitioner at this stage submits that the petitioner be granted liberty to approach the Hon'ble Supreme Court. He is certainly at liberty to approach the Hon'ble Supreme Court. Considering the order passed by the Division Bench of this Court, dated 28.11.2018, it is made clear that the decision of the One-man committee which was executed by all the parties as an order of the Division Bench, considering it as opinion of this Court. Further granting liberty to approach the Hon'ble Supreme Court as requested and disposed of the writ petitions."

39. Here, it is the case of the petitioners that respondents have not included their names in the seniority list of TSGENCO or APGENCO, in such circumstances, it is contended that 'deputation' cannot be treated as 'transfer' or even otherwise the respondents have to maintain petitioners' lien over the post in their parent unit. The final modalities of the allocation of the persons between APGENCO and TSGENCO in accordance with the provisions of Section 82 of the Act, 2014 i.e., Regulation IX, which reads as follows:

"Case of alleviation of extreme personal hardship of State Government employees will be exceptions to the principle. It would be open to Committee to consider the representation or request of allocation on case to case basis."

40. Even as per the supplementary report, dated 11.03.2020 at page No.96 of the Additional Counter at Direction -V it was stated as follows:

"It is made clear, that employees "other than those" included in the Two Allocation lists Annexed to the Final and Supplementary Report, working on the appointed date 02.06.2014, on "order to serve" basis in the Companies in the two States will be treated to have been allocated to the respective Companies in the Two States in continuous service "as is where is" for the purpose of pay and all other service benefits including their due chances of promotion at par with the regular employees in each company."

41. Further, the Hon'ble Supreme Court in the case of **Telangana Power Generation Corporation Ltd v. Andhra Pradesh Power Generation Corporation Ltd.and others**², it was held as under:

"With regard to other MAs, which have been noticed above, we make it clear that the One-Man Committee was entrusted only with distribution of personnel between the two States, which distribution has been finalised by the One-Man Committee. Insofar as the allocation made by the One-Man Committee, no objection or challenge by any employee or officer is entertainable, we clarify that the One-Man Committee having completed the process of allocation, the said allocation cannot be challenged by any employee or officer or any utility before any forum. Insofar as other claims regarding salary or allowances as raised in different MAs, they need no consideration in these proceedings and employees of

² 2018 SCC online SC 3644

power utilities are free to adjudicate their claims before appropriate forum in accordance with law. All other MAs are disposed of accordingly."

42. In view of the above discussion and taking into consideration the judgments of the Hon'ble Apex Court, this Bench is of the opinion that having taken lien on the post of the petitioners in their parent unit, the petitioners are bound to transfer or allocate back to their parent unit. The said aspect was already considered by the respondents. The word 'deputation' cannot be treated as 'deputation' but it has to be treated as 'transfer' for all practical purposes. In view allocation of staff, wherein the persons who have permitted to serve 'as-is-where-is' basis and also in view of directions of 'One-Man Committee' as on the date of the bifurcation i.e., on 02.06.2014 the employees who were working as such are deemed to have been allocated to the State Corporation. The Hon'ble Supreme Court also clarified that in case, any clarification or further direction is required by any of the parties, they are entitled to approach the Court by filing interlocutory application in the said proceedings.

43. In view of the Judgment of the Hon'ble Apex Court that the allocation made by One-Man Committee in its report was

not challenged by any of the employee or officer is tenable, as such this Bench is of the opinion that the orders passed by the Division Bench of this Court in W.P.No.4981 of 2021, dated 03.02.2022 and W.P.No.31856 of 2021, dated 18.01.2022 have to be followed and the petitioners are at liberty to approach appropriate Forum for their grievance.

44. With the above observations, these two Writ Petitions are disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

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P.C. SULEKHA DEVI
ASSISTANT REGISTRAR

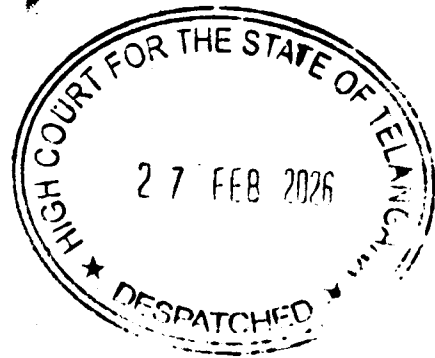
SECTION OFFICER

To,

1. The Chairman and Managing Director, Telangana State Power Generation Corporation Ltd, Vidyuth Soudha Hyderabad
2. The Chairman and Managing Director, Andhra Pradesh Power Generation Corporation Ltd, Vidyuth Soudha, 3rd Floor, Gunadala Vijayawada
3. The Chief Engineer, Electrical Operation and Maintenance Srisaillam Dam (West)
4. The Director (HR), Telangana State Power Generation Corporation Ltd. Vidyuth Soudha
5. The Chief General Manager (IS and ERP), Andhra Pradesh Power Generation Corporation Ltd. Vidyuth Soudha, 3rd Floor, Gunadala Vijayawada
6. The Financial Advisor and Chief Controller of Accounts (Res), Telangana State Power Generation Corporation Ltd. Vidyuth Soudha
7. One CC to SMT.GODA RAMALAKSHMI, Advocate. [OPUC]
8. One CC to Ms.K.UDAYA SREE, SC FOR TSPGC. [OPUC]
9. One CC to SRI M.VIDYASAGAR, SC FOR APPGCL. [OPUC]
10. One CC to SRI P.GOVIND REDDY, GP for AP. [OPUC]
11. One CC to SRI G.VIDYASAGAR, Advocate. [OPUC]
12. Two CD Copies.

HIGH COURT

DATED:31/12/2025



COMMON ORDER

WP.No.18973 & 19988 of 2021

**DISPOSING OF THE WRIT PETITIONS
WITHOUT COSTS**

(14)

NT
13/2/26.