APHC010374542024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3573]**
(Special Original Jurisdiction)

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 18951/2024

Between:

1. P.S. GANESWARA RAO, S/O. SESHA RAO, AGED 49 YEARS, WORKING AS SR. ASSISTANT, R/O.DR.NO.3-24, SIVA DEVUNI CHIKKALA VILLAGE, PALAKOL MANDAL, WEST GODAVARI DISTRICT - 534 245.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE (ENDOWMENTS) DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT, A.P.
2. THE COMMISSIONER, ENDOWMENTS DEPARTMENT, GOLLAPUDI, VIJAYAWADA.
3. THE REGIONAL JOINT COMMISSIONER, ENDOWMENTS DEPARTMENT, MULTI ZONE-I, RAJAMAHENDRAVARAM.
4. THE DY COMMISSIONER, ENDOWMENTS DEPARTMENT, KAKINADA.

...RESPONDENT(S):

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 respondents in not considering the case of the petitioner for appointment by transfer as Executive Officer Grade-ll only on the ground that the promotion of the petitioner from the post of Record Assistant to the post of Junior Assistant cannot be I allowed as there was no channel of promotion as bad illegal, arbitrary, violative of Article 14,16 and 21 of The Constitution Of India and consequently direct the respondents to consider the case of the petitioner for

appointment by transfer as Executive Officer Grade-ll and for all consequential benefits and pass

IA NO: 1 OF 2024

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 pleased to direct the respondents to consider the case of the petitioner for appointment by transfer to the post of Executive Officer Grade-ll, pending disposal of the above writ petition in the interest of justice and to pass

IA NO: 1 OF 2026

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 may be pleased to grant leave to the Respondent No.2 in the Writ Petition No. 18951 of 2024 to file counter affidavit in the above Writ Petition and pass

IA NO: 2 OF 2026

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 may be pleased to grant leave to the petitioner to file the reply affidavit and pass

Counsel for the Petitioner:

1. V S K RAMA RAO

Counsel for the Respondent(S):

1. GP FOR SERVICES II

The Court made the following:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

ORDER:

The Writ Petition is filed for the following relief:

> "…*to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not considering the case of the petitioner for appointment by transfer as Executive Officer Grade-ll only on the ground that the promotion of the petitioner from the post of Record Assistant to the post of Junior Assistant cannot be, I allowed as there was no channel of promotion as bad illegal, arbitrary, violative of Article 14,16 and 21 of The Constitution Of India and consequently direct the respondents to consider the case of the petitioner for appointment by transfer as Executive Officer Grade-ll and for all consequential benefits and pass*…"

2. The grievance of the petitioner is that he was initially appointed as Record Assistant on 01.04.1993, regularized w.e.f. 29.10.2004, promoted as Junior Assistant w.e.f. 01.09.2006 and further promoted as Senior Assistant w.e.f. 26.10.2008, and has been discharging duties in the said cadre. Despite possessing the requisite qualifications and passed departmental tests, his candidature for appointment by transfer as Executive Officer Grade-II was not considered on the ground that there was no promotional channel from Record Assistant to Junior Assistant at the relevant time. He submitted that his seniority was adversely revised by fixing the same in the Senior Assistant cadre w.e.f. 18.02.2014, without issuing any notice, thereby depriving him of consideration for appointment by transfer. The petitioner further submits that the fourth respondent, *vide* proceedings dated 03.06.2019, recommended fixation of his seniority from the respective dates of promotion, but the second respondent failed to pass appropriate orders. Placing reliance on the judgment of this Court in W.P.No.21759 of 2020, dated 23.03.2023, wherein a similarly

situated employee, Sri K. Jagadeswara Rao, was granted relief by reckoning his service from the dates of promotion, who was also promoted from the post of Record Assistant prior to issuance of G.O.Ms.No.128, dated 18.02.2011, was considered and was promoted.

3. Learned counsel for the petitioner submits that the petitioner's candidature for appointment by transfer to the post of Executive Officer Grade-II was not considered on the ground that his promotion from the post of Record Assistant to the post of Junior Assistant was not in accordance with the applicable Rules, as no channel of promotion was available at the relevant point of time. He submits that the petitioner was initially appointed as Record Assistant on 01.04.1993, and his services were regularized with effect from 29.10.2004 in Group Temples, Bhimadole, Bhimadole Town and Mandal, West Godavari District. Subsequently, he was promoted as Junior Assistant with effect from 01.09.2006 and thereafter as Senior Assistant on 26.10.2008. Since then, the petitioner has been discharging his duties in the cadre of Senior Assistant. Learned counsel, therefore, prays that this Court may allow the Writ Petition by directing the respondents to reckon the petitioner's seniority in the respective cadres from the dates of his promotions and consider his candidature for appointment by transfer to the post of Executive Officer Grade-II, with all consequential benefits.

4. During the course of hearing, learned counsel for the petitioner placed reliance on the judgment of this Court in W.P.No.21759 of 2020, dated

23.03.2023, and submits that the petitioner is similarly situated to the petitioner therein. He, therefore, requests this Court to allow the present Writ Petition in terms of the said judgment.

5. Perused the material available on record. It is evident that the 4th respondent issued a provisional seniority list *vide* Rc.No.B4/14898/2010, dated 25.05.2011, wherein the petitioner was placed at Sl.No.97. In the final seniority list, he was placed at Sl.No.98. Subsequently, pursuant to G.O.Ms.No.128, dated 18.02.2011, the petitioner's seniority in the cadre of Senior Assistant was revised by reckoning his date of promotion as 18.02.2014, instead of his original date of promotion, i.e., 26.10.2008. Aggrieved by the said revision of seniority, the petitioner approached the Andhra Pradesh Administrative Tribunal by filing O.A.No.5500 of 2015. However, the said O.A. was dismissed *vide* order dated 09.07.2018.

6. As stated above, one K. Jagadeshwar Rao, who was similarly situated to the petitioner, was also aggrieved by the revision of his seniority in the cadres of Junior Assistant and Senior Assistant with effect from 18.02.2011 and 18.02.2014, respectively. He approached this Court by filing W.P.No.21759 of 2020. This Court, *vide* order dated 23.03.2023, allowed the said Writ Petition, directing the respondents therein to reckon his service in the cadre of Junior Assistant with effect from 01.09.2006 and in the cadre of Senior Assistant with effect from 26.10.2008, being the respective dates of his promotions.

7. While considering the said Writ Petition, a Coordinate Bench of this Court held that the promotion of the petitioner therein, though not in accordance with the rules prescribed, could only be treated as an irregular appointment and not an illegal appointment. In arriving at the said conclusion, the learned Coordinate Bench placed reliance on the judgment of the Hon'ble Apex Court in *Secretary to Government v. Chadavada Koteswara Rao*, reported in 2002 (1) ALD 537 (DB), and the judgment in W.A.No.1349 of 2013, dated 25.06.2024. Accordingly, held that the seniority of the petitioner therein was required to be reckoned from the date of his actual promotion to the post of Senior Assistant, i.e., 28.03.2007, notwithstanding the delay and latches.

8. In the present case, though the petitioner had not challenged the order passed by the Andhra Pradesh Administrative Tribunal in O.A.No.5500 of 2015, rejecting his claim, the fact remains that he is similarly situated to the petitioner in W.P.No.21759 of 2020. The petitioner herein was also promoted to the post of Junior Assistant on 01.09.2006 and thereafter to the post of Senior Assistant on 26.10.2008, prior to the issuance of G.O.Ms.No.128, dated 18.02.2011. The issue relating to the validity of such promotions, in the absence of a prescribed channel of promotion, has already been considered by a Coordinate Bench, which held that such promotions may be irregular but not illegal.

9. In view of the aforesaid legal principles laid down in the judgments referred to therein, this Court is of the view that the petitioner's claim cannot be rejected solely on the ground that his seniority in the cadre of Senior Assistant was subsequently re-fixed with effect from 18.02.2014, particularly when he has been discharging duties in the cadres of Junior Assistant and Senior Assistant pursuant to his respective promotions.

10. Accordingly, the respondents are required to reckon the petitioner's seniority in the cadre of Senior Assistant with effect from 26.10.2008, being the date of his initial promotion to the said cadre, and consider his candidature for appointment by transfer to the post of Executive Officer Grade-II, subject to his fulfilling the other prescribed eligibility conditions.

11. In view of the above discussion, the Writ Petition is allowed, directing the respondents to consider the case of the petitioner in accordance with law by reckoning his date of promotion to the post of Senior Assistant as 26.10.2008 for the purpose of seniority and to consider his candidature for appointment by transfer to the post of Executive Officer Grade-II, if he is otherwise eligible.

12. The respondents are further directed to take necessary action in this regard at the earliest, but not later than a period of four (04) months from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, miscellaneous petitions if any, shall stand closed.

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JUSTICE BALAJI MEDAMALLI

Dated: 04.11.2026
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THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

Writ Petition No. 18951 of 2024

Date: 04.11.2026

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