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APHC010514262025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

FRIDAY, THE 6th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 26524 OF 2025

Between:

1. L MURALI MOHAN, S/o L.Bangaraiah, Aged 41 years, Occ: Senior Assistant, O/o Deputy Director of Agriculture, Chodavaram Road,Anakapalli, Anakapalli District.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Principal Secretary, Agricultural Department, Secretariat, Velagapudi, Amaravati, Guntur District.

2. The Commissioner Director of Agriculture AP, Mirchi Yard, Guntur.

3. The Joint Director of Agriculture, Yendada, Visakhapatnam.

4. The Principal Chief Conservator of Forest, Government of Andhra Pradesh, Amaravathi.

5. The Chief Conservator of Forest, Rama Krishna Mission Road, Visakhapatnam.

6. The Divisional Forest Officer, ITDA Building Complex, paderu. Visakhapatnam District.

...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 orders, or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly the 2ndrrespondent in issuing impugned revision orders vide Memo.No.AGC02-32025(41)/263/2020, dated 20-07-2021 and consequential Proceedings.No.A5(2)1755964/2022, dated 22-4-2025, wherein revised the petitioners seniority in the cadre of senior Assistant from 1-12-2020 instead of fixing from 17-9-2019 as highly illegal, arbitrary and contrary to the rules and also violation of Article 14,16 and 21 of constitution of India and violation of fundamental rules and also contrary to the promotion orders dated 17-09-2019 and consequentially this Hon'ble Court may be pleased to set aside the both impugned orders Memo.No.AGC02-32025(41)7263/2020 dated 20-7-2021 and consequential Proceedings No.A5 (2) 1755964/ 2022, dated 22-4-2025 by declaring that the petitioner is entitled for promotion as Senior Assistant from the date of his initial promotion as senior Assistant from 17-09-2019 with all consequential benefits and pass such other orders.

IA NO: 1 OF 2025

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 re-consider the petitioner's seniority from the date of his initial promotion as Senior Assistant w.e.f. 17-9-2019 instead of 1-12-2020 by suspending the impugned revision orders vide Memo.No.AGC02-20-07-2021 and consequential 32025(41)/ 263/2020 Proceedings.No.A5 (2)1755964/ 2022, dated 22-4-2025, pending disposal of dated main writ petition and pass such other orders.

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 for filing of the Counter Affidavit in WP.No.26524 of 2025 and pass such other orders.

Counsel for the Petitioner: EATHAKOTA VENKATA RAO

Counsel for the Respondents:

The Court made the following order:

Whether the order is :

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.26524 of 2025

ORDER:

1. The present Writ Petition is filed questioning the Proceedings dated 20.7.2021 issued by Respondent No.2 and the consequential Proceedings dated 22.04.2025 revising the seniority of the Petitioner in the cadre of Senior Assistant from 01.12.2020 instead of 17.09.2019, as illegal and arbitrary.

2. The facts leading to this case are as follows:

The Petitioner was appointed as Junior Assistant on 10.10.2005 on compassionate grounds in the office of Assistant Director of Agriculture, Chodavaram, Visakhapatnam District. Thereafter, the Petitioner was transferred to the office of the Joint Director of Agriculture, Visakhapatnam on 17.05.2013 and worked there till 19.09.2019 to the best of his abilities. While working in the office of Assistant Director of Agriculture, the Petitioner was promoted as Senior Assistant on 17.09.2019 along with 2 others and posted in the office of Assistant Director of Agriculture (SC), Araku Valley.

3. After joining the post of Senior Assistant, the Divisional Forest Officer, Paderu, issued a Memo on 28.09.2019 instructing the Petitioner to attend regular duties in the office of the Divisional Forest Office, Paderu, until further orders. As instructed, the Petitioner attended the duties, however, as the salary was not being paid to the Petitioner, representations were given by the Petitioner on 05.11.2019 as well as on 08.04.2020. While so, the Respondents, by impugned Proceedings, dated 20.07.2021, repatriated the Petitioner to the parent department i.e., the Agricultural Department.

4. It is further stated that as per GO (P) No.10 F &P (FW.F.R.II), dated 22.01.1993, the foreign service, including service on deputation does not count for probation in the parent department and in view of the same, a decision was taken by the Government to send only approved probationers for deputation. As the Petitioner was promoted as Senior Assistant against a Foreign Service Post, in which the service rendered by the Petitioner does not count for promotion, the Petitioner was reverted to the post of Junior Assistant under Rule 10(e) of the A.P. State and Subordinate Service Rules, 1996.

5. After repatriation, the Petitioner was promoted as Senior Assistant in August, 2021 by the Commissioner of Agriculture along with other persons. The Petitioner then gave a representation on 18.09.2024 seeking for promotion in the cadre of Senior Assistant w.e.f. 20.09.2019 and issue pay and allowances with effect from that date. The said representation was considered by the Director of Agriculture by Proceedings dated 22.04.2025 and the seniority of the Petitioner was revised w.e.f. 01.12.2020 i.e., the date of availability of vacancy in the department, rather than the actual date of promotion i.e., 17.08.2021 in the parent department.

6. In the Counter-Affidavit filed by Respondent No.2, it is stated that the Petitioner was promoted as Senior Assistant on temporary basis, specifically under Rule 10(a) of A.P. State and Subordinate Service Rules, 1996. Therefore, the Petitioner cannot have any right for continuance in the promoted post of Senior Assistant from 17.09.2019. It is further pleaded that the Conservator of Forests, Visakhapatnam Circle by letter dated 19.10.2020 had stated that on 17.10.2020, the Petitioner had submitted a representation and requested that since he has completed one year of stay in the office of Assistant Director of Agriculture (SC), Araku Valley, requested for repatriation to the parent department and therefore, that this clearly

shows that the Petitioner was well aware of the fact that the promotion was in a foreign department. In light of the representation of the Petitioner, the Petitioner was repatriated to the parent department on 12.07.2021.

7. The revision of the Petitioner was made under Rule 10(e) of A.P. State and Subordinate Service Rules, 1996, since the Petitioner's promotion as Senior Assistant was only a temporary promotion under Rule 10(a) of the said Rules. It is further stated that the Petitioner was again considered for promotion as per seniority and promoted by Proceedings dated 16.08.2021 and posted as Senior Assistant in the office of Deputy Director of Agriculture (SC) Anakapalli against a regular vacancy in the department.

8. It is further stated that as on 17.09.2019 only one post was available for promotion whereas the remaining two posts were under deputation under Foreign Service. It is further stated that promotions were granted in accordance with seniority with the specific condition that the promotions are purely temporary and liable for reversion and that the first individual in the seniority sequence had expired and later, the next individual was accommodated in the regular sanctioned vacancy in the department, and the petitioner who stood third in the proceedings dated 17.09.2019 could not be

accommodated from 17.09.2019 as there was no regular sanction vacancy at that point of time.

9. Heard learned counsel for the Petitioner, EathaKota Venkat Rao and the learned Government Pleader for Services II appearing for the Respondents.

10. The promotion of the Petitioner as Senior Assistant by Proceedings dated 17.09.2019 was on a temporary basis, under Rule 10(a) of A.P. State and Subordinate Service Rules, 1996. In the Proceedings dated 17.09.2019, this aspect was specifically mentioned. Under the said proceedings, three individuals were promoted to the post of Senior Assistant as detailed in the Tabular Statement given below:

Sl.No.	Name of the Junior Assistant & Present place of working	Promoted and posted as Senior Assistant
1.	B. Ravi Poorna Chandra, O/o. DDA (SC), Anakapalli, Visakhapatnam	O/o. ADA (SC), RVP, Arakuvalley, Visakhapatnam
2.	B.V.R.B. Raju, O/o. JDA, Srikakulam	O/o. ADA (R), Visakhapatnam
3.	L. Murali Mohan, O/o. ADA (R), Chodavaram, Visakhapatnam	O/o. ADA (SC) RVP, Arakuvalley

11. The person at Serial No.1 in the above Tabular Statement i.e., B. Ravipoorna Chandra had expired while working in the office of Assistant Director of Agriculture, Soil Conservation, Arkuvalley.

Thereafter, the person at S.No.2, B.V.R.B. Raju, was accommodated in the regular vacancy of Senior Assistant in the Department. After the retirement of B.V.R.B. Raju, the Petitioner was accommodated in the said post w.e.f. 01.12.2020 i.e., the date on which the vacancy arose on account of the retirement of B.V.R.B. Raju.

12. As on the date of temporary promotion of the Petitioner to the post of Senior Assistant on 17.09.2019, there was only one regular vacancy in the parent department and this fact is not disputed in the pleadings in the present Writ Petition. In the absence of a regular vacancy, as on 17.09.2019, there is no basis for the claim of the Petitioner for counting seniority in the cadre of Senior Assistant from that date. The fact that the Petitioner was being promoted temporarily to a vacancy in a foreign department promoted on deputation basis is well known to the Petitioner as the Petitioner vide representation dated 18.09.2024 sought for repatriation to parent department on completion of one year.

13. In the event the Petitioner did not opt to accept the temporary promotion and had continued in the parent department, there was no vacancy for promotion to the post of Senior Assistant at that point of time. In normal course, the best case for promotion would arise only on the retirement of his senior Sri B.V.R.B. Raju, which was acceded

to by the authorities. As the Petitioner was accommodated in the cadre of Senior Assistant w.e.f. 01.12.2020, i.e., the date on which the regular vacancy arose on account of the retirement of B.V.R.B. Raju, this Court does not find any merit in the Writ Petition.

14 Accordingly, the Writ Petition being devoid of merits is dismissed. No order as to costs.

NYAPATHY VIJAY, J

Date: 06.11.2026

IS

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.26524 of 2025

Date: 06.11.2026

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