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

FRIDAY, THE THIRTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WRIT PETITION NO: 17364 OF 2019

Between:

1. Revuri Preethi, D/o. RP Venkateswar, Aged 33 years Occ. Assistant Engineer, O/o Executive Engineer, MG Grid Division, Peddapally, Peddapally Dist.
2. M.Anjan Kumar, S/o. Venkataiah, Aged 38 years, Occ. Assistant Engineer, O/o. Deputy Executive Engineer Mission Bhagiradha, Nirmal-504106. R/o. H.No.Flat No.201, Achal Apartment, Bagulawada, Nirmal-504106, Nirmal Dist. - TS
3. Veggalam Anil Kumar, S/o. Anil Kumar, Aged 38 years, Occ. Assistant Engineer, O/o. Deputy Executive Engineer, M.B.Grid, S.D Metpally, R/o. H.No.2-10-255, Jyothinagar, Karimnagar -505002.
4. B.Ramesh, S/o. Narsaiah, Aged 37 years, Occ. Assistant Engineer, O/o. Engineer-in-Chief, RWS & S Department, Erramanzil, Hyderabad.
5. P. Neeraja, D/o. P.Narayana Reddy, Aged about 33 years, Occ. Asst Engineer, O/o. Executive Engineer MB Intra Division, Warangal Rural, R/o H.No.2-8-401, Ragavendra Nagar NGO's Colony Road, Hanmakonda, Warangal.
6. Nakka Sree Laxmi, D/o. N. Buchaiah, Aged 36 years, Occ. Asst Engineer, O/o. Executive Engineer MB Grid Division, Khammam, Khammam Dist., R/o. H.No. Plot No.15-16-156/401, Kambapati Sree Nilayam, Near Gattaiah Centre, Dwaraka Nagar, Khammam, Khammam Dist.
7. Pittala Ramchandram, S/o. Gopaiah, Aged about 38 years, Occ. Asst Engineer, O/o. Deputy Executive Engineer, MB Grid Vemulawada SD, Sircilla District.
8. M.Vijaya Laxmi **(Dismissed as withdrawn C.O. dt. 16.02.2024)**, Aged 35 years, Occ. Asst Engineer, O/o. Engineer-in-Chief, Erramanzil, Hyderabad.

As per Court Order dt. 16.05.2024 respondent No.8, dismissed as withdrawn

...PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary to Government RWS & SD Department, (Rular Water Supply and Sanitation Department) Secretariat, Hyderabad.
2. The Engineer-in-Chief, RWS & S Department, (Now Mission Bhagirath) Erramanzil, Hyderabad.
3. Ranganayakula Venkata Srinivas, Aged 57 years, Occ: Deputy Executive Engineer, MB Intra, SD Gangadhara.
4. Ranganayakula Prabhakar Swamy, aged 55 Years, O/c. Deputy Executive Engineer, MB Grid, SD Karimnagar.
5. Khaja Vasaiuddin Ahmed, aged 55 years, O/c. Deputy Executive Engineer, MB Intra, SD Huzurabad.
6. Talluri Swaroopa Rani, aged 53 years, Occ: Deputy Executive Engineer, MB Intra, SD Kalluru.
7. Puyyala Sailaja, aged 55 years, Occ: Deputy Executive Engineer, MB Intra, SD Khammam.
8. Perikala Yesubabu, aged 49 years, Occ Deputy Executive Engineer, MB Grid, SD Bhadrachalam.
9. Kunamalla Sandhya, aged 39 years, Occ Deputy Executive Engineer, MB Intra, SD Palakurthy.

(As per Court Order dt. 06.02.2025 vide I.A.No.2/2019 in W.P.No.17364/2019, R3 to 9 are impleaded)

...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 Writ order or direction more particularly one in the nature of Writ of 'Mandamus' declaring the action of the respondents in placing the non PSC candidates who were appointed as AEs by transfer under 20% quota without calculating the substantive vacancies earmarked for such method of appointment, (feeder category) above the names of the 2011 batch AEs of Zone-V in terms of G.O.Ms No.56 dated 24-7-2017 by violating the Rules in G.O.Ms.No.77 dated 17-3-2012 without finalising the provisional seniority list dated 14-12-2015 in terms of G.O.Ms.No.77 dated 17-3-2012 as illegal, arbitrary, unjust and contrary to Article 14 and 16 of the Constitution of India and consequently direct the respondents to revise the provisional seniority list dated 14-12-2015 & 3-10-2017 in terms of Rules in G.O.Ms.No.77 dated 17-3-2012 and placing the 2011 batch AEs of Zone-V above the non PSC promotee candidates in the seniority list w.e.f. 14-12-2015 duly

following the Rules in G.O.Ms.No. 77 from the date of provisional seniority list dated 14-12-2015 by pushing down the excess 20% quota transferee promotes and accommodated against substantive vacancies earmarked for such method of appointment (feeder category)" and effect further promotions to the petitioners w.e.f. 14-12-2015 from the date of issue of provisional seniority list.

I.A. NO: 1 OF 2019

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 issue directions to the respondents herein not to effect promotions on the basis of provisional seniority list dated 14-12-2015 and 3-10-2017 till the quota 20% of promotes AEs is fixed panel-wise so that the petitioners who are all 2011 batch direct recruitees AEs would get their correct placement in the provisional seniority list, pending disposal of the writ petition.

Counsel for the Petitioner: SRI G.VIDYA SAGAR, Sr. COUNSEL, REP. SRI SAI PRASEN GUNDAVARAM

Counsel for the Respondent No.1 & 2: GP FOR SERVICES-II

Counsel for the Respondent No.9: SRI P.UTTAR KUMAR

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WRIT PETITION No.17364 of 2019

CNR No.HBHC010327222019

Date : 13.11.2026

Between :

Revuri Preethi and others.

.. Petitioners

AND

The State of Telangana and others.

.. Respondents

Reserved on : 25.08.2026

Pronounced on: 13.11.2026

Uploaded on 13.11.2026

ORDER:

This writ petition is filed seeking the following relief :-

"..... to issue Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in placing the non PSC candidates who were appointed as AEs by transfer under 20% quota without calculating the substantive vacancies earmarked for such method of appointment, (feeder category) above the names of the 2011 batch AEs of Zone-V in terms of G.O.Ms.No.56, dated 24.07.2017 by violating the Rules in

G.O.Ms.No.77, dated 17.03.2012 without finalising the provisional seniority list dated 14.12.2015 in terms of G.O.Ms.No.77, dated 17.03.2012 as illegal, arbitrary, unjust and contrary to Articles 14 and 16 of the Constitution of India and consequently direct the respondents to revise the provisional seniority list dated 14.12.2015 and 03.10.2017 in terms of Rules in G.O.Ms.No.77, dated 17.03.2012 and placing the 2011 batch AEs of Zone-V above the non PSC promotee candidates in the seniority list w.e.f., 14.12.2015 duly following the Rules in G.O.Ms.No.77 from the date of provisional seniority list dated 14.12.2015 by pushing down the excess 20% quota transferee promotes and accommodated against substantive vacancies earmarked for such method of appointment (feeder category) and effect further promotions to the petitioners w.e.f., 14.12.2015 from the date of issue of provisional seniority list.....".

2. Brief facts of the case are as follows :-

(a) The petitioners are working as Assistant Engineers in the Rural Water Supply and Sanitation Department (now Mission Bhagiratha) at different places in the State of Telangana. They are governed by the Telangana Rural Water Supply Subordinate Service Rules, which were adopted from the erstwhile State of Andhra Pradesh vide G.O.Ms.No.77, PR & RD (Estt.II) Department, dated 17.03.2012.

(b) The petitioners were directly appointed as Assistant Engineers in the year 2011 in the erstwhile State of Andhra Pradesh through the Andhra Pradesh Public Service Commission (APPSC). Upon bifurcation of the State, they were allotted to the State of Telangana and have been discharging their duties to the satisfaction of their superiors.

(c) After bifurcation, the official respondents issued a revised provisional seniority list of Assistant Engineers of Zone-V vide Memo No.SO.II (V/RWS&S/Provisional Seniority/AEs/2008), dated 14.12.2015, inviting objections. In the said provisional seniority list, the names of 49 non-PSC candidates were included, whereas the names of the 2011 batch Assistant Engineers of Zone-V were omitted, despite the fact that their services had already been regularised and their probation had been declared by that time.

(d) In the said Memo, it was stated that the names of 43 candidates, whose services had not been regularised and whose probation had not been declared by that time

would be incorporated in the provisional seniority list after the regularisation of their services in the cadre of Assistant Engineer.

(e) The petitioners submitted their objections requesting the respondents to include the names of the 2011 batch Assistant Engineers of Zone-V at appropriate places above the non-PSC candidates in the provisional seniority list dated 14.12.2015, as their services had already been regularised and they were entitled to placement at appropriate places in the seniority.

(f) However, without considering the objections submitted by the petitioners, the respondents issued another provisional seniority list vide Memo dated 03.10.2017. In the said Memo, it was stated that the services of 27 candidates, who had been promoted in the cadre of Assistant Engineer before 01.04.2008, i.e., before the bifurcation of the Panchayat Raj Engineering Department into the Panchayat Raj Department and the Rural Water Supply & Sanitation Department, had been

regularised with effect from 01.04.2008, and their names were incorporated in the provisional seniority list.

(g) Since the services of the 2011 batch Assistant Engineers had already been regularised and their probation had also been declared by the time the provisional seniority list dated 14.12.2015 was issued, the petitioners, being regular Assistant Engineers, were entitled to be included in the provisional seniority list at appropriate places.

(h) The 2nd respondent had issued a notification for filling up various posts in the Panchayat Raj and Rural Development Department in the erstwhile State of Andhra Pradesh and framed the relevant Rules vide G.O.Ms.No.77, dated 17.03.2012. As per the said Rules, 80% of the substantive vacancies in the category of Assistant Engineer shall be filled by direct recruitment, and the remaining 20% shall be filled by promotion. In every unit of five vacancies, the 5th vacancy shall be filled by promotion.

(i) Without considering the objections submitted by the petitioners, the respondents issued G.O.Ms. No. 56,

PR & RD (RWS.II) Department, dated 24.07.2017, relaxing the provisions of Rule 3(a)(1) of the Telangana Rural Water Supply Engineering Subordinate Service Rules issued under G.O.Ms. No. 77, dated 17.03.2012, as a one-time special measure, with prospective effect, in respect of Assistant Engineers who had already been promoted.

(j) In G.O.Ms.No.56, dated 24.07.2017, the Government stated as follows:-

> *"**i.** Junior Technical Officers (Draughts Man Grade III) who are having minimum Diploma in Civil Engineering/LCE qualification shall be promoted to the cadre of Assistant Engineer.*
>
> ***ii.** The services of Junior Technical Officers (Draughtsman Grade III who were already promoted as Asst Engineers as per G.O.Ms.No.296 PR&RD (Estt.II) Department, dated 20-5-1994, but their services were not yet regularised, as there, is no provision in G.O.Ms.No.77, PR&RD (Est.II) Dept. dated 17-03-2012 shall be considered for regularization; and*
>
> ***iii.** Work Inspector, Grade I who possess Diploma Qualification in Civil or Mechanical ad have completed (10) years of. service with (3) years as Grade I, shall be considered for promotion/appointment by transfer to the post of Asst. Engineer."*

k) Aggrieved thereby, the present writ petition is filed.

3. Learned counsel appearing for the petitioners submits that the petitioners were appointed during the year 2011 before the issuance of G.O.Ms.No.77 and they are entitled to be placed above the promotees in accordance with the applicable Rules. Non-PSC candidates cannot be placed above the 2011 batch direct-recruit Assistant Engineers of Zone-V. The quota earmarked for promotees cannot exceed 20% of the vacancies arising in each panel year. Furthermore, the Rules do not provide for carrying forward the unfilled promotional vacancies. Despite this, promotions were granted in the years 2015 and 2018.

4. Learned counsel appearing for the petitioners further submits that if the Government regularises the services of non-PSC promotees/appointed-by-transfer candidates against substantive vacancies earmarked for direct recruitment or other methods of recruitment, it would seriously prejudice the service prospects of direct recruits,

which is contrary to the Telangana State and Subordinate Service Rules governing the Rural Water Supply & Sanitation Department and the prescribed quota rules.

5. Learned counsel appearing for the petitioners further submits that the judgment of the Hon'ble Apex Court in ***SURAJ PARKASH GUPTA AND OTHERS Vs. State of J&K and OTHERS***[1] which is relied upon by the learned counsel for the respondents, relates to only promotees and not to direct recruits and the present issue is in between direct recruits and promotees. Therefore, the said judgment is not applicable to the present case.

6. Learned counsel appearing for the petitioners placed reliance on the Circular Memo No. 16/Ser.A/93-39 GA (Ser.A) Dept dt 21-4-1999, which states as follows :-

> *"if any employee is promoted to a post earmarked for Direct recruit his probation shall not be commenced from the date of his appointment into the slot earmarked for Direct Recruitment but shall be reckoned from the date on which he would have occupied the vacancy meant for promotee".*

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[1] 2000 (7) SCC 561

7. Learned counsel appearing for the petitioners further submits that appropriate orders be passed in the writ petition by directing the respondents to revise the provisional seniority lists dated 14.12.2015 and 03.10.2017 in terms of G.O.Ms.No.77, dated 17.03.2012 and place the 2011 batch AEs of Zone-V above the non PSC promotee candidates in the seniority list with effect from 14.12.2015 and allow the writ petition.

8. Respondent Nos.1 and 2 filed counter affidavit stating as follows :-

(a) The petitioners were appointed directly as Assistant Engineers in the year 2011 in the combined state of A.P., selected by the APPSC, and after bifurcation they have been allotted to the State of Telangana.

(b) The 2nd respondent communicated a revised provisional seniority list of 49 Assistant Engineers (AEs) of Zone V vide Memo dated 14.12.2015 and invited objections stating that the names of 43 non-PSC candidates, whose services had not yet been regularised, would be incorporated at the appropriate place in the provisional

seniority list of Assistant Engineers of Zone V after the regularisation of their services in the cadre of Assistant Engineer. However, the names of the 2011 batch of Assistant Engineers of Zone V were not included in the said provisional seniority list.

(c) The petitioners submitted their objections to the respondents requesting to include the names of the 2011 batch Assistant Engineers (AEs) of Zone-V at the appropriate places above the names of the non-PSC candidates in the provisional seniority list dated 14.12.2015, as their services had already been regularized. By that date, they were eligible and entitled to be placed at the appropriate place in the seniority list. Thereafter, the 2nd respondent communicated the provisional seniority list vide Memo dated 03.10.2017, stating that the services of 27 candidates who had been promoted to the cadre of Assistant Engineer before 01.04.2008 had been regularized with effect from 01.04.2008, and their names had been incorporated in the provisional seniority list. Further, the names of the 2011 PSC batch Assistant Engineers (AEs), whose services had been regularised and who had

completed six years of service, were also incorporated at the appropriate places in the provisional seniority list, with due notice of objections.

(d) As per G.O.Ms.No.77, dated 17.03.2012, 80% of the substantive vacancies in the category of AE shall be filled by direct recruitment and the remaining 20% shall be filled by promotion. In a unit of five vacancies, the 5th vacancy shall be filled by promotion.

(e) The above said Assistant Engineers were promoted as Assistant Engineers before bifurcation, i.e., before 01.04.2008. Further, (13) more Assistant Engineers were promoted after 01.04.2008 as Assistant Engineers as per G.O.Ms.No 296, dated 20.05.1994, i.e., from the cadre of DM Gr. Ill and their services were not yet regularised, as there is no provision in G.O.Ms.No.77, dated 17.03.2012.

(f) The regularization of Assistant Engineers by relaxation of Rule 3(a)(1) of the Telangana Rural Water Supply Engineering Subordinate Service Rules, as issued in G.O.Ms.No.77, dated 17.03.2012, was granted as a one-time special case vide G.O.Ms.No.56, dated

24.07.2017. Accordingly, they were placed above the 2011 batch of Assistant Engineers of Zone-V. After the bifurcation of the Panchayat Raj Engineering Department (PRED), the said employees opted for the Rural Water Supply & Sanitation (RWS&S) Department, and their services were regularized with effect from 01.04.2008. Their names were included in the provisional seniority list dated 03.10.2017, and placing them above the 2011 batch Assistant Engineers of Zone-V is in accordance with the rules issued in G.O.Ms.No.77, dated 17.03.2012.

(g) The regularization of the services of Non-PSC candidates (20% quota), who were promoted by transfer against substantive vacancies earmarked for another method of recruitment, does not affect the future promotional prospects of the direct recruits, particularly the 2011 batch of Assistant Engineers. The Non-PSC candidates (20% quota) were promoted as Assistant Engineers before the recruitment of the 2011 batch of Assistant Engineers. However, in the present department, their services were regularized with effect from 01.04.2008.

(h) The present cadre strength of Assistant Engineers in Zone-V of the Mission Bhagiratha Department is 172. 80% shall be filled by the PSC candidates and 20% shall be filled by Non-PSC candidates and that the present working strength of PSC candidates is 138 and Non-PSC candidates is 24.

(i) The A.P. Rural Water Supply Engineering Subordinate Service Rules, 2008, issued in G.O.Ms.No.77, PR&RD (Estt.II) Department, dated 17.03.2012, came into force with effect from 01.04.2008. The service constituted under these Rules consists of the posts of Assistant Engineer and the below categories of posts and it does not affect future promotions.

9. Learned Government Pleader appearing for the respondents submits that the contention of the petitioners that the Non-PSC candidates should be placed below the 2011 batch PSC candidates is untenable, as the Non-PSC candidates had already been promoted as Assistant Engineers before the bifurcation of the department, i.e.,

before 01.04.2008. Therefore, the writ petition is devoid of merit and is liable to be dismissed.

10. Learned counsel for the petitioners filed a reply affidavit stating as follows :-

(a) The contention of the 2nd respondent that the regularization of the candidates who had opted for RWS&S was given with effect from 01-07-2008, as per G.O.Ms.No.56, dated 27-07-2017, is false. As per G.O.Ms.No.56, dated 27-07-2017, regularization was granted as a one-time measure with prospective effect, i.e., from the date of the G.O. However, the 2nd respondent regularized the service with retrospective effect from 01.04.2008.

(b) The contention of the 2nd respondent that Non-PSC candidates are eligible for the 20% quota against the unfilled vacancies meant for recruitment through other methods, and that such adjustment would not affect the further promotion of direct recruits, is wholly misconceived. In fact, such an adjustment adversely affects the future promotional prospects of the direct recruits, as

their position in the seniority list would be pushed down each year. After the direct recruits had joined service, relaxation was granted to the promotees with prospective effect. However, the 2nd respondent misused the said prospective relaxation and completely disregarded its effect while preparing the seniority list.

(c) The Government of Andhra Pradesh issued G.O.Rt.No.259, dated 06-03-2019, wherein it was clearly stated that the promotee Assistant Engineers who were in excess of the 20% quota were to be regularized as a special case, subject to the condition that the candidates so regularized would be adjusted against future vacancies under the 20% promotion quota for the post of Assistant Engineer, until all such candidates were adjusted and 80% of the quota earmarked for direct recruitment to the post of Assistant Engineer remained available to be filled.

(d) The 1st respondent had clearly taken note of the situation, and G.O.Ms.No.56, dated 24-07-2017, was issued with prospective effect. However, while implementing the said G.O., the 2nd Respondent granted

retrospective regularization along with seniority, which has severely affected the petitioners seniority.

11. Sri G.Vidya Sagar, learned Senior Counsel representing Sri Sai Prasen Gundavaram, learned counsel appearing for the petitioners and the learned Government Pleader for Services-II appearing for respondents 1 and 2. Perused the record.

12. In the present case, the petitioners are working as Assistant Engineers in the Rural Water Supply and Sanitation Department (now Mission Bhagiratha) at different places in the State of Telangana. They were directly appointed as Assistant Engineers in the year 2011 in the erstwhile State of Andhra Pradesh through the Andhra Pradesh Public Service Commission (APPSC). Upon bifurcation of the State, they were allotted to the State of Telangana and have been discharging their duties to the satisfaction of their superiors.

13. The present writ petition is filed questioning the action of the respondents regarding placing of non-PSC candidates, who were appointed as AEs by transfer under

20% quota, without calculating the substantive vacancies earmarked for such method of appointment, (feeder category) above the names of 2011 batch AEs of Zone-V in terms of G.O.MsNo.56, dated 24.07.2017 by violating the Rules in G.O.Ms.No.77, dated 17.03.2012 without finalizing the provisional seniority lists dated 14.12.2015 and 03.10.2017 in terms of G.O.Ms.No.77, dated 17.03.2012.

14. The principal issue that arises for consideration in the present writ petition is whether the respondent authorities have duly complied with G.O.Ms.No.77, dated 17.03.2012 and G.O.Ms.No.56 dated 24.07.2017.

15. The Government issued G.O.Ms.No.77, dated 17.03.2012, whereunder it is stated as follows :-

> *"80% of the substantive vacancies in the category of Assistant Engineer shall be filled by direct recruitment and the remaining 20% shall be filled promotion. In a unit of 5 vacancies, the 5th vacancy shall be filled by promotion."*

16. Subsequently, the Government issued G.O.Ms.No.56, dated 24.07.2017 about promotion of certain Junior

Technical Officers (Draughts Man Grade-III) and Work Inspectors (Grade-I) to the post of Assistant Engineer and also regularization in the post of Assistant Engineer in relaxation of Rule 3 (a)(1) of Telangana Rural Water Supply Engineering Sub-Ordinate Service Rules issued in G.O.Ms.No.77, dated 17.03.2012 for one time measure, as a special case.

17. In G.O.Ms.No.56, dated 24.07.2017, the Government stated as follows :-

> *3. In the reference 4th read above, the Engineer-in-Chief, RWS&S, Hyderabad has stated that, from the formation of RWS&S Department certain Junior Technical Officers (Draughts Man Grade-III) working in RWS&S Department were requesting to relax the service rules, as there is no provision in the reference 3rd read above for promotion as Assistant Engineer and also to regularize the services of Assistant Engineers who were already promoted in terms of G.O. 1st read above, under the context of giving them a fair chance for one time, to upgrade their services under natural justice. Further stated that the prestigious Project of Telangana Drinking Water Supply Project is under progress and has to be completed in a time bound schedule and there is a shortage and necessity of experienced Engineering Personnel for executing the project. Accordingly, he*

has requested to issue necessary orders for relaxation for one time only for providing a channel to the following:

i. For the existing Junior Technical Officers (Draughts Man Grade-III) who are having minimum Diploma in Civil Engineering/L.C.E. qualification for promotion as Assistant Engineer,

ii. For regularisation of the services of Assistant Engineers who were already promoted to the post of Assistant Engineer and were not regularised; and

iii. For certain Work Inspectors Grade-1 who have completed (10) years of service with (3) years of service in Grade-I and having Diploma in Civil Engineering by appointment by transfer.

4. Government after careful examination of the entire matter, have decided for relaxing the provisions laid down in Rule 3 (a)(1) of Telangana Rural Water Supply Engineering Sub-Ordinate Service Rules, issued in G.O.Ms.No.77, PR&RD (Estt.II) Dept., dt. 17.03.2012 for one time as a special case with prospective effect i.e., from the date of issue of this order and hereby order the following:

i. Junior Technical Officers (Draughts Man Grade-III) who are having minimum Diploma in Civil Engineering/L.C.E qualification shall be promoted to the cadre of Assistant Engineer.

ii. The services of Junior Technical Officers (Draughtsman Grade-III) who were already promoted as Assistant Engineers as per G.O.Ms.No.296, PR&RD (Estt.11) Department, dt.20.05.1994, but their services were not yet regularized, as there is no provision In G.O.Ms.No. 77, PR&RD (Estt.II) Dept., dt. 17.03.2012 shall be considered for regularisation; and

iii. Work Inspector, Grade-I who possess Diploma Qualification in civil or mechanical and have completed (10) years of service with (3) years as Grade-1, shall be considered for promotion / appointment by transfer to the post of Assistant Engineer."

18. After hearing both sides and upon considering the material available on record, this Court is of the considered view that no one is questioning the implementation of G.O.Ms.No.56 and 77. The controversy in the present writ petition, however, revolves around whether the respondent authorities, in implementing the said Government Orders, have adhered to the directions and stipulations contained therein, both in letter and spirit or not.

19. In the case at hand, the Government issued G.O.Ms.No.56, specifically relaxing the provisions of Rule 3(a)(1) of the Telangana Rural Water Supply Engineering Subordinate Service Rules, issued vide G.O.Ms.No.77, dated 17.03.2012, as a one-time special case with prospective effect only. However, while implementing the said G.O., the respondent authorities instead of giving it prospective effect, issued orders with retrospective effect, which is contrary to the terms and conditions stipulated in the Government Orders.

20. The regularization of 27 candidates is governed by G.O.Ms.No.56 and, therefore, can have only prospective effect from 24.07.2017, i.e., the date of issuance of G.O.Ms.No.56, and cannot be given retrospective effect from 01.04.2008.

21. On technical grounds, the Government authorities are required to implement the regularization of services of the 27 candidates with prospective effect, in accordance with G.O.Ms.No.56. However, regularizing their services retrospectively with effect from 01.04.2008 is legally

incorrect. Further, even in the counter affidavit, there is no discussion regarding the issue of prospective or retrospective regularisation. The respondents have not furnished any proper explanation as to how they regularised the services of 27 candidates with retrospective effect, when G.O.Ms.No.56 specifically stipulated that such regularisation should have prospective effect.

22. In the counter affidavit, the respondents have stated that the adoption of another method of recruitment would not affect the future promotional prospects of the direct recruits, particularly those belonging to the 2011 batch of Assistant Engineers. However, the respondents have not explained regarding another method of recruitment. In the absence of any such explanation, this Court is of the considered view that the respondents ought to have regularised the services of the 27 candidates with prospective effect rather than with retrospective effect.

23. As per G.O.Ms.No.77, dated 17.03.2012, 80% of the substantive vacancies in the category of Assistant Engineers (AEs) shall be filled by direct recruitment, and

the remaining 20% shall be filled by promotion. Accordingly, in a cycle of five vacancies, the 5th vacancy shall be filled by promotion. However, the Government has not properly followed the mandatory 80:20 ratio prescribed under G.O.Ms.No.77, dated 17.03.2012, while preparing the seniority list of Assistant Engineers of Zone-V.

24. In support of his contentions, learned counsel appearing for the respondents relied upon the judgment of the Hon'ble Apex Court in ***SURAJ PARKASH GUPTA's case (1 supra)***. The said judgment deals with the power of the Government to appoint officers on promotion temporarily for a period of more than six months or more without consulting the Public Service Commission and to grant seniority to such promotees in respect of service within their quota and also outside quota. The validity of the order passed by the State Government on 02.01.1998 regularizing, at one stroke, several adhoc promotions made between 25.05.1973 and 31.12.1996 was in issue.

25. The above judgment relates to only promotees and not to direct recruitees. However, in the present case, the

issue involves between the direct recruits and promotees. Therefore, the above case does not apply to the case on hand.

26. In the above facts and circumstances of the case, the respondents are directed to re-consider the case of the petitioners by revising the provisional seniority list dated 14.12.2015 and 03.10.2017 in terms of G.O.Ms.No.77, dated 17.03.2012 and G.O.Ms.No.56, dated 24.07.2017 in letter and spirit and pass appropriate orders in accordance with law within a period of four months from the date of receipt of a copy of this order.

27. With the above direction, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

SD/-A.JAYASRI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

One Fair Copy to the Hon'ble SRI JUSTICE NAMAVARAPU RAJESHWAR RAO
(For His Lordships Kind Perusal)

To,

1. The Principal Secretary to Government RWS & SD Department, (Rular Water Supply and Sanitation Department) Secretariat, Hyderabad, State of Telangana.
2. The Engineer-in-Chief, RWS & S Department, (Now Mission Bhagirath) Erramanzil, Hyderabad.
3. 04 LR Copies
4. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi.

5. The Secretary, Telangana Advocates Association, Library, High Court Buildings, Hyderabad.
6. One CC to SRI SAI PRASEN GUNDAVARAM, Advocate [OPUC]
7. One CC to SRI P.UTTAR KUMAR, Advocate [OPUC]
8. Two CCs to GP FOR SERVICES-II, High Court for the State of Telangana, at Hyderabad [OUT]
9. Two CD Copies

BSR

GBR

HIGH COURT

DATED: 13/11/2026

ORDER

WP.No.17364 of 2019



DISPOSING OF THE WRIT PETITION,

WITHOUT COSTS

16
17/11/26
K.B