



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

[3208]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 3944/2026

Between:

1. KUNCHALA PAPA RAO, S/O. VENKATESWARLU, AGE. 39 YEARS, OCC. ENERGY ASSISTANT, 2-42, ANAKARLAPUDI VILLAGE AND POST, KONDEPI MANDAL, PRAKASAM DISTRICT, ANDHRA PRADESH-523270.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, ANDHRA PRADESH-522238.
2. THE DISTRICT COLLECTOR, PRAKASAM DISTRICT, ONGOLE, ANDHRA PRADESH-523001.
3. THE DISTRICT PANCHAYAT RAJ OFFICER, PRAKASAM DISTRICT, ONGOLE, ANDHRA PRADESH-523001.
4. THE CENTRAL POWER DISTRIBUTION CORPORATION OF AP LTD, REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, BESIDE POLYTECHNIC COLLEGE, ITI ROAD, VIJAYAWADA, KRISHNA DISTRICT, ANDHRA PRADESH-520008.
5. THE CHIEF GENERAL MANAGER HRD, AP CPDCL, CORPORATE OFFICE, BESIDE POLYTECHNIC COLLEGE, ITI ROAD, VIJAYAWADA, KRISHNA DISTRICT, ANDHRA PRADESH-520008.

6.THE SUPERINTENDING ENGINEER OPERATION, ONGOLE
OPERATION CIRCLE, AP CPDCL, ONGOLE, PRAKASAM
DISTRICT, ANDHRA PRADESH-523001.

7.THE EXECUTIVE ENGINEER OPERATION, KANDUKURU
OPERATION DIVISION, AP CPDCL, KANDUKURU, PRAKASAM
DISTRICT, ANDHRA PRADESH-523105.

...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 topleased to issue a writ or order, orders or directions more particularly one in the nature of Writ of Mandamus - i) declaring the action of the respondents in denying declaration of probation, reverting pay scale to that of Rs. 15,000/- from Rs.22,460/-, excluding from seniority list and also thereby denying conversion and also upgradation to Junior Lineman (JLM) to the petitioner as illegal, arbitrary. discriminative besides violative of Articles 14, 16 and 21 of the Constitution of India and ii) consequently, direct the respondents to declare petitioner's probation besides restoring pay scale of Rs.22,460/- with arrears, inclusion of the petitioner in seniority and also direct the respondents to consider the candidature of the petitioner for conversion and also upgradation to JLM post with all incidental and consequential service- cum-monitory benefits to the JLM post and pass

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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 continue payment of time-scale pay of Rs.22,460/- and also include the petitioner provisionally in seniority besides considering his candidature for conversion and also upgradation as JLM and pass

Counsel for the Petitioner:

1.PEETA RAMAN

Counsel for the Respondent(S):

1.GP FOR SERVICES I

2.V V SATISH

The Court made the following ORDER:

1. This Writ Petition is filed aggrieved by the action of the respondents in denying declaration of probation to the petitioner, reverting his pay scale from Rs.22,460/- to Rs.15,000/-, excluding his name from the seniority list, and consequently denying conversion and upgradation to the post of Junior Lineman (JLM), as illegal, arbitrary and contrary to law.

2. The case of the petitioner is that he worked as Shift Operator from 19.06.2008 to 01.10.2019 and thereafter, pursuant to the recruitment notification dated 29.07.2019 issued by APSPDCL, he was selected and appointed as Energy Assistant on 02.10.2019 on a consolidated pay of Rs.15,000/- per month. Subsequently, pursuant to C.O.O.Ms.No.167 dated 29.07.2022, his pay was fixed at Rs.22,460/- and he was paid accordingly till November, 2023. However, without issuing any notice or assigning reasons, the respondents reverted his pay to Rs.15,000/- from December, 2023 onwards and excluded him from seniority, conversion and upgradation to the post of Junior Lineman (JLM) on the ground of pendency of criminal cases. It is submitted that FIR No.30 of 2018 ended in acquittal under Section 321 Cr.P.C. and the other case in FIR No.120 of 2021 pertains to a private family dispute unconnected with service. Hence, the action of the respondents is illegal and arbitrary.

3. On the other hand, the learned Standing Counsel for the respondents, on instructions, submitted that the appointment of the

petitioner dated 01.10.2019 was conditional in nature and subject to verification of character and antecedents under Clause 6(b) of the appointment order. Upon such verification, criminal cases were found pending against the petitioner and, therefore, his services could not be regularized. Consequently, the petitioner is not entitled to the pay scale of Rs.22,460/- under C.O.O.Ms.No.167 dated 29.07.2022.

4. On a query made by this Court, the learned Standing Counsel submitted that no final orders have yet been passed in the matter.

5. Having regard to the aforesaid facts and circumstances of the case, this Court is of the considered view that the Writ Petition can be disposed of by directing the respondents to consider the antecedents of the petitioner and pass appropriate orders, within a period of two (02) months from the date of receipt of a copy of this order. If necessary, the respondents shall issue notice to the petitioner and afford him an opportunity of personal hearing before passing appropriate orders. In the event the respondents fail to pass orders within the stipulated period of two (02) months, the case of the petitioner shall be considered in terms of C.O.O.Ms.No.167 dated 29.07.2022. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

22.04.2026
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