

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE EIGHTEENTH DAY OF APRIL,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU
AND

THE HONOURABLE SRI JUSTICE V SRINIVAS
WRIT APPEAL NO: 296 OF 2023



Writ Appeal under Clause 15 of the Letters Patent, is filed against the order made in WP.No.23284 of 2020, dated 01.08.2022, on the file of the High Court

Between:

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Health, Medical and Family Welfare (B2) Department, A.P. Secretariat, Velagapudi, Guntur, Guntur District.
2. The Director of Public Health and Family Welfare, Andhra Pradesh, Gollapudi, Vijayawada, Krishna District - 524001

...Appellants/Respondents 1 & 2

AND

1. A. Kullai Swamy, S/o. A. Naraiah, Aged 58 years, Occ. Administrative Officer, O/o. The District Medical and Health Officer, Kadapa-516001, H.No.1/390-3-2, 2nd Road, Near Rajeev Park, Maruthi Nagar, Kadapa - 516001, YSR District-AP.
2. T. Krishna Mohan Rao, S/o. TSR Anjaneyulu, Aged 48 years, Administrative Officer, O/o. Regional Health and Family Welfare Training Centre (Male) Guntur, R/o. H.No.3-4-8'74/1, Mahasiva Apartment, Flat.No.103, Barakatpura, Hyderabad-500027.

...Respondents/Petitioners

3. The Andhra Pradesh Public Service Commission, Rep by its Prl. Secretary, Vijayawada(AP)

...Respondent No.3/Respondent No.3

IA No. 2 OF 2023

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 suspend the operation of the final orders passed in 1-08-2022 in WP.No.23284/2020, Pending disposal of WA No. 296 of 2023, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of GP FOR SERVICES IV for the Petitioners, Sri M KESAVA RAO, Advocate for the Respondent Nos. 1 & 2 and Sri V. Venkata Naga Raju, Advocate for the respondent No.3, the Court made the following

ORDER:

"Heard learned Government Pleader and the learned counsel for the respondents.

The issue involved in this interlocutory application among other things is the implementation of the order in Civil Appeal No.4129 of 2006, wherein the Hon'ble Supreme Court said that those who would be appointed in terms thereof would only be able to claim any right with prospective effect i.e., from the date of actual joining in service. Admittedly the petitioners in this case joined in 2012-2014, but the learned Single Judge has granted them notional promotions with retrospective date i.e., from 16.11.2000 which is the date on which the Home Department has granted notional promotions.

In the opinion of this Court, the other issues raised also merit further investigation in hearing.

Therefore, there shall be interim stay as prayed for in I.A.No.2 of 2023 suspending operation of the final order dated 01.08.2022 in Writ Petition No.23284 of 2020.

List in usual course after Summer Vacation, 2023."

//TRUE COPY//

Sd/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

For

SECTION OFFICER

To,

1. A KULLAI SWAMY, S/o. A. Naraiah, Aged 58 years, Occ. Administrative Officer, O/o. The District Medical and Health Officer, Kadapa-516001, H.No.1/390-3-2, 2nd Road, Near Rajeev Park, Maruthi Nagar, Kadapa - 516001, YSR District-AP.
2. T. Krishna Mohan Rao, S/o. TSR Anjaneyulu, Aged 48 years, Administrative Officer, O/o. Regional Health and Family Welfare Training Centre (Male) Guntur, R/o. H.No.3-4-8'74/1, Mahasiva Apartment, Flat.No.103, Barakatpura, Hyderabad-500027
3. The Prl. Secretary, Andhra Pradesh Public Service Commission, Vijayawada, AP (Addressee nos. 1 to 3 by RPAD)
4. One CC to SRI. GP FOR SERVICES IV Advocate [OPUC]
5. One CC to SRI. M KESAVA RAO Advocate [OPUC]
6. One CC to Sri.V.Venkata Naga Raju, Advocate [OPUC]
7. One spare copy

CVSS

HIGH COURT

DVSSJ & SVJ

DATED:18/04/2023

LIST IN USUAL COURSE AFTER SUMMER VACATION, 2023.

ORDER

WA.No.296 of 2023

DIRECTION

