

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN
WRIT PETITION NO: 6991 OF 2025

Between:

1. Gopalam Siva Satyanarayana, S/o.Gopalam Samba Siva Rao Aged about 52 years, R/o.D.No.7-5-55/9, Sundaraiah Street, Opposite ASN Degree College, Ganganamma Peta, Tenali, Guntur District.
2. Imalla Chandra Sekhar Babu, S/o. Baskar Rao Aged about 49 years, R/o. Flat No.202, Vijaya Lakshmi Residency, Zero Line, A.T Agraharam, Guntur, Guntur District

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Energy, A.P. Secretariat, Amaravati Capital City, Velagapudi, Thullur(M), Guntur District.
2. APCPDCL, Rep. by its Chairman Managing Director, Near ITI College Road, Opposite Ramesh Hospital, Vijayawada.
3. Superintending Engineer, APCPDCL, Operations Circle, Sangadigunta, Ponnur Road, Guntur.
4. Superintending Engineer, APCPDCL, CRDA Circle, Rayapudi Village, Thullur Mandal Guntur 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 order or direction or writ more particularly on in the nature of Writ of Mandamus or any other suitable writ declaring the impugned

No.CMD/DIR(HR)/GM(HR)/ DGM-in Memo order/Memo I/PO.I/S.A/D.No. 16/25, dated 25.02.2025 of the 2nd Respondent as arbitrary and violative of article 14,16 and 21 of Constitutional of India and Andhra Pradesh Electricity Reforms Act, 1998 and rules made their under and consequently set aside the same by restoring the integrated list of eligible persons as reflected in Memo No. CMD/DIR(Tech.)/GM(HR)/DGM-I/P.O-I/Asst/D.No.58/21, dated 10.02.2021 by duly protecting our positions in the said list and grant costs of the proceedings.

IA NO: 1 OF 2025

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to the impugned order/MemoNo.CMD/DIR(HR)/GM(HR)/DGMI/PO.I/S.A/D.No.16/25, dated 25.02.2025 by the 2nd Respondent, Pending disposal of WP 6991 of 2025, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI M PITCHAIAH Advocate for the Petitioners, and of GP FOR ENERGY, for the Respondent No.1, and of SRI V.V.SATISH, Standing Counsel for the Respondent Nos.2 to 4, the Court made the following

ORDER:

This Court has passed the following order on 20.03.2025 in W.P.No.6991 of 2025:

“...Learned counsel for the petitioners submits that by virtue of C.O.O.Ms.No.242 dated 09.11.2022 an amendment was brought to Regulation 6(a) of APSEB Service Regulations, part-III as adopted by APCPDL, by which method of recruitment to the post of Additional

Assistant Engineer, by way of promotion, came to be deleted, thereby, the petitioners being Junior Engineers being eligible and entitled for promotion under the said unamended Regulation 6(a), denied promotion. This amendment made to Regulation 6(a) came to be suspended by this Court in W.P.No.5858 of 2023 by an order dated 09.03.2023. Despite which, the 2nd respondent has now issued Memo No.CMD/DIR(HR)/GM(HR)/DGM.I/PO.I/S.A/D.No.16 /25 dated 25.02.2025, communicating provisional integrated service particulars of Junior Engineer (Electrical) in terms of C.O.O.Ms.No.242 dated 09.11.2022. Once the aforesaid C.O.O.Ms.No.242 dated 09.11.2022 is suspended, question of preparing provisional integrated service particulars with reference to amended Regulation 6(a) does not arise and the same is in clear contempt of the orders passed above..."

Learned Standing Counsel for respondent Corporation submits that similar issues are engaged before the Division Bench in W.P.No.5226 of 2025 and batch, and passing any interim order, at this stage, would hamper the ongoing promotions, on temporary basis, which are undertaken considering the amendment brought to Regulation 6(a).

When once the amended Regulation 6(a) has already been suspended in W.P.No.5858 of 2023, vide order dated 09.02.2023, the respondents cannot proceed to prepare seniority list basing on the said suspended regulation, unless and without respondent-corporation seeking necessary clarification from this Court, in matters where validity of Regulation 6(a) is in *lis*, even if they were to effect adhoc promotions due to administrative exigencies.

Prima facie, this Court finds that the impugned memo dated 25.02.2025, issued by the 2nd respondent, is clearly contrary to the existing Regulation, which is in force, and also in violation of interim order passed above.

In view of the same, there shall be stay of all further proceedings
in pursuance to Memo No.CMD/DIR(HR)/
GM(HR)/DGM.I/PO.I/S.A/D.No.16/25, dated 25.02.2025.

List along with W.P.No.5226 of 2025.

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR
[Signature]
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Department of Energy, State of Andhra Pradesh, A.P. Secretariat, Amaravati Capital City, Velagapudi, Thullur(M), Guntur District. **(by Special Messenger)**
2. The Chairman & Managing Director, APCPDCL, Near ITI College Road, Opposite Ramesh Hospital, Vijayawada.
3. The Superintending Engineer, APCPDCL, Operations Circle, Sangadigunta, Ponnur Road, Guntur.
4. The Superintending Engineer, APCPDCL, CRDA Circle, Rayapudi Village, Thullur Mandal Guntur District. **(Addressees 2 to 4 by RPAD)**
5. One CC to SRI. M PITCHAIAH Advocate [OPUC]
6. Two CCs to GP FOR ENERGY, High Court of Andhra Pradesh. [OUT]
7. One CC to SRI V.V.SATISH, Standing Counsel [OPUC]
8. One spare copy

PSR

HIGH COURT

CGR,J

DATED:04/04/2025

NOTE: List along with W.P.No.5226 of 2025.

ORDER

WP.No.6991 of 2025

INTERIM STAY

