

[3208]

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

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 11107 OF 2026



Between:

D. Gopala Krishna, S/o. Late Lakshmana Rao, Aged about 47 years,
Senior Assistant, Joint Sub-Registrar Office, R.O. (OB), Vizianagaram,
R/o Vizianagaram

Petitioner

AND

1. State of Andhra Pradesh, Represented by its Principal Secretary to Government Revenue (Regn. I) Department, Secretariat, Velagapudi, Amaravathi, Guntur District, A.P.
2. The Inspector General of Registration & Stamps, Government of Andhra Pradesh, Vijayawada, Krishna District, A.P.
3. The Deputy Inspector General of Registration and Stamps, Visakhapatnam, Andhra Pradesh.
4. The Deputy Inspector General of Registration and Stamps, Vizianagaram, Andhra Pradesh.
5. Y. Tejeswara Rao, S/o Late Gopala Rao, Aged about 40 years. Senior Assistant, O/o. Joint Sub-Registrar, S.R.O., Srungavarapu Kota, Vizianagaram District. R/o Dr.No.8-66, Srinivasa Colony, 3rd line, S.Kota Village and Mandal, Vizianagaram District, Pincode- 535145

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 appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus by declaring that the Petitioner is entitled to

be treated as senior to the 5th Respondent in the Senior Assistant category with benefits incidental thereto, in the interest of justice duly declaring the action of the 2nd Respondent in allowing the Appeal preferred by the 5th Respondent and further directing the 3rd Respondent to place the name of the 5th Respondent over and above the name of Petitioner by assigning notional seniority vide impugned order issued in APPEAL NO. E1/e-3110773/2026 dated 20-02-2026 in the Senior Assistant category overlooking the fact that the Petitioner was not arrayed as party to the appeal preferred by the 5th Respondent and the consequential Show Cause Notice No.E/465/2020, dated 02-03-2026 issued by the 3rd Respondent, as being arbitrary, illegal, erroneous, opposed to principles of natural justice and contrary to the provisions of Rule 15 A.P. Ministerial Service Rules, 1998 and Rule 35(b) of A.P. State and Sub ordinate Service Rules, 1996 and set-aside the same accordingly.

IA NO: 2 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the 2nd Respondent to reconsider the orders issued in APPEAL NO. E1/e-3110773/2026 dated 20-02-2026 by giving opportunity of hearing to the Petitioner and to pas, Pending disposal of WP 11107 of 2026, on the file of the High Court.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the operation of impugned order issued in APPEAL NO. E1/e-3110773/2026 dated 20-02-2026 and consequential show cause notice No. E/465/2020, dated 02-03- 2026 by the 2nd and 3rd Respondents respectively, Pending disposal of WP 11107 of 2026, 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 Y L

SIVA KALPANA REDDY, Advocate for the Petitioner, GP FOR SERVICES I for the Respondent Nos.1 to 4 and of Sri N. ASWANI KUMAR, Standing Counsel for the Respondent No.5, the Court made the following

ORDER:

The present writ petition is filed aggrieved by the order dated 20.02.2026, passed by the 2nd respondent re-fixing the seniority of the 5th respondent (un-official) without serving any notice to the petitioner and consequential show-cause notice dated 02.03.2026, issued by the 3rd respondent to the petitioner.

2. The contention of the petitioner is that initially on the request of the 5th respondent, he was transferred on 04.09.2014 from S.R.O Ponduru, Srikakulam District to Registration and Stamps Department, Vizianagaram with a condition that he should be placed in the last place in the list of approved probationers as per the rules in force. But surprisingly, after a long lapse of time without impleading the petitioner as party, the 5th respondent has filed an appeal without serving any notice to the petitioner and the seniority of the 5th respondent has been fixed above the petitioner, which is contrary to Rule 35(b) of State & Subordinate Services Rules, 1996 (for short, 'The Rules, 1996'). According to the said rule, the seniority of a member of a service, class or category, who is transferred on his own request from one unit of appointment to another unit of appointment shall be fixed with reference to the date of his joining duty in the latter unit of appointment.

3. Admittedly, the transfer was effected on 04.09.2014 at the request of the 5th respondent and hence, as per the Rule 35(b) of the Rules, 1996, the seniority of the 5th respondent has to be fixed from the date of joining in the later unit i.e., at Vizianagaram District, but surprisingly the said provision was not considered while re-fixing the seniority of the 5th respondent vide the impugned proceedings dated 20.02.2026.

4. Sri N. Ashwani Kumar, learned counsel appearing on behalf of the 5th respondent has contended that infact the transfer orders were issued purely on administrative grounds as per G.O.Ms.No.674 dated 07.09.2007. Hence, the said transfer should be construed in terms of Rule 35(a) of the Rules, 1996. Hence, the said transfer of the 5th respondent is as per G.O.Ms.No.674 dated 07.09.2007 and it should be construed on administrative grounds and accordingly his seniority was fixed under Rule 35(a) of the Rules, 1996. The Rule 35(a) of the Rules, 1996 says that the seniority of a member of a service, class or category transferred from one unit of appointment to another unit of appointment, on administrative grounds, shall be, determined with reference to the date of seniority of such member in the former unit.
5. On perusal of the transfer orders, it is clearly reflects that the transfer was made purely on the request of the 5th respondent from Srikakulam District to Vizianagaram District by the 3rd respondent. There is no reference of G.O.Ms.No.674 dated 07.09.2007 in the said transfer orders.
6. Considering the submissions made by the learned counsel for both the parties, there shall be stay of all further proceedings pursuant to the impugned order dated 20.02.2026 issued by the 2nd respondent and also further show-cause notice dated 02.03.2026, issued by the 3rd respondent.
7. List after summer vacations, 2026 for filing counter.

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SD/- N.NAGAMMA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary to Government Revenue (Regn. I), State of Andhra Pradesh, Department, Secretariat, Velagapudi, Amaravathi, Guntur District, A.P. (BY SPECIAL MESSENGER)
2. The Inspector General of Registration & Stamps, Government of Andhra Pradesh, Vijayawada, Krishna District, A.P.
3. The Deputy Inspector General of Registration and Stamps, Visakhapatnam, Andhra Pradesh.
4. The Deputy Inspector General of Registration and Stamps, Vizianagaram, Andhra Pradesh.
5. Y.Tejeswara Rao, S/o Late Gopala Rao, Aged about 40 years. Senior Assistant, O/o. Joint Sub-Registrar, S.R.O., Srungavarapu Kota, Vizianagaram District. R/o Dr.No.8-66, Srinivasa Colony, 3rd line, S.Kota Village and Mandal, Vizianagaram District, Pincode- 535145
(Addressee Nos.2 to 5 by RPAD)
6. One CC to SRI. Y L SIVA KALPANA REDDY Advocate [OPUC]
7. Two CCs to GP FOR SERVICES I, High Court Of Andhra Pradesh.
[OUT]
8. One CC to Sri N. ASWANI KUMAR, STANDING COUNSEL [OPUC]
9. One spare copy

KJ

HIGH COURT

DR,J

DATED:28/04/2026

LIST AFTER SUMMER VACATIONS, 2026 FOR FILING COUNTER

ORDER

WP.No.11107 of 2026



STAY