



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MONDAY, THE ELEVENTH DAY OF DECEMBER,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE G.NARENDAR
AND

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY
WRIT APPEAL No: 609 OF 2022

(Writ Appeal under Clause 15 of the Letters Patent is filed against the order made in
WP.No.7490 of 2019, dated 26.04.2022, on the file of the High Court)

Between:

1. Tirumala Tirupathi Devasthanams, Rep. by its Executive Officer, Tirupathi, Chittoor District.
2. The Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor District.
3. The Joint Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor District

Appellants/Respondents 2 to 4

AND

1. K.Thej Kumar Reddy S/o.lateSidda Reddy, aged 29 years, Assistant/Shroff Staff No 16983, O/o EDP Office Tirumala Tirupati Devasthanams, Door No 191259 Kesavayanagunta, Tirupati, Chittoor District
2. S Eswarachari, S/o late Murugachaii, aged 27 years, Assistant/Shroff Staff No 17516 O/o SEO Services Tirumala Tirupati Devasthanams Mangalam Quarters Tirupati Chittoor District
3. K Jagadeesh, S/o late Janakiramaiah, aged 27 years, Assistant/Shroff Staff No 17440 O/o Spl Officer S V Recording Project Tirumala TirupatiDevasthanams House No 94 C Type K T Quarters TTD K T Road Tirupati
4. P Rajasekhar Reddy, S/o late Krishnamurthy Reddy, aged 28 years, Assistant/Shroff Staff No 16599 O/o AEO Coins Parakamani Tirumala Tirupati DevasthanamsTirupati Door No 294 Dhiguvareddy van palli Chandragiri Tinipati Chittoor District
5. P Harikrishna, S/o late Chandraiah, aged 32 years, Assistant/Shroff Staff No 16867 O/o AEO RI Tirumala TirupatiDevasthanams Tirumala Door No 01 B Type Quarters Tirumala Chittoor District
6. C BalaSrinivasulu, S/o late Ganadharam, aged 28 years, Assistant/Shroff Staff No 17522 O/o Dy E0 KKC Tirumala Tirupati Devasthanams Tirumala Residing at Door No 8284 Satyanarayanapuram Near Leela Mahal Tirupati
7. G Suresh Kumar, S/o late Ganeshappa, aged 27 years, Assistant/Shroff Staff No 17570 O/o Chief Engineer Tirumala Tirupati Devasthanams Door No 612K/19 MCR Colony Alipiri Raoad, Tirupati Chittoor District
8. V Guru Theja, S/o late Jagan Mohan, aged 25 years, Assistant/Shroff Staff No 17666 O/o AEO Revenue Tirumala Tirupati Devasthanams Tirumala JettigundlaPalli village Ugranampalli Post Penumur Mandal Chittoor District 517 126

9. K Reddy Prakash, S/o late Veikattadri, aged 25 years, Assistant/Shroff Staff No 17663 O/o AEO RI Tirumala Tirupati Devasthanams Tirumala Door No 29 DodlamittaReniguntaTirupati Chittoor District
10. N Vinod Kumar Reddy, S/o late Ramachandra Reddy, aged 25 years, Assistant/Shroff Staff No 40786 O/o AEO Services Tirumala Tirupati Devasthanams, Door No 1941S81910/8 Kanigi Siddaiah Colony Renigunta Road Tirupati Chittoor District

...Respondents/petitioners

11. State of Andhra Pradesh, Rep by its Special Chief Secretary, Endowments Department, Secretariat, Velagapudi, Guntur District.
12. Kum. K.V.Srija, D/o late K.V.S.Babu, Junior Assistant, O/o Deputy Executive Officer, T.T.D. Tirupathi.

...Respondents/ Respondents

IA NO: 1 OF 2022

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to grant stay of operation of the order dated 26th April, 2022 in W.P.No.7490 of 2019, pending disposal of WA No.609 of 2022, 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 the earlier Orders of the High Court dated 26.07.2022, 29.08.2022, 26.09.2022, 13.12.2022, 24.01.2023, 10.02.2023, 29.03.2023, 24.04.2023, 14.06.2023, 28.06.2023, 09.08.2023, 26.09.2023, 03.11.2023, 20.11.2023, 04.12.2023, & 06.12.2023 made herein and upon hearing the arguments of Ms.C.Sindhu Kumari, Advocate for Appellant, Sri.J.Sudheer, Advocate for Respondent Nos.1 to 10. and of learned Government Pleader for Endowments for Respondent No.11, the Court made the following:

ORDER:

1) Heard Sri. S.S. Prasad, learned Senior Counsel appearing for the Appellants and Sri.J. Sudheer, learned Counsel appearing for the unofficial Respondents. There is no representation on behalf of the 12th Respondent, whose appointment it is alleged is contrary to and against the established practices and has become the bone of contention and which advantage the Petitioners i.e. Respondent Nos. 1 to 10 also seek, be advanced to them also.

2) We have perused the policy document of the Government of Andhra Pradesh issued by the General Administration (Ser.A`) Department, by way of Circular, dated 12.08.2003, wherein it contains a provision for making appointment against anticipated acquisition of qualifications, which in our opinion is contrary to established norms. Despite the Policy, it is seen that on the date of appointment of the Petitioners i.e. Respondent Nos. 1 to 10, the then Executive Officer has deemed it necessary to ignore the Government Policy of making appointments against anticipated eligibility, which in our prima facie opinion appears to be the correct approach.

3) The learned Counsel for the Respondents would submit that the 12th Respondent [Kum. K. V. Sirija] is not the lone beneficiary of the Policy of 2003 and that several appointments have been made against available vacancies in the anticipation of the appointees securing eligibility in the future.

4) Per contra, the learned Senior Counsel submits that, to his knowledge the 12th Respondent is the lone beneficiary of the Policy of 2003. The learned Senior Counsel would also submit that the Appellants are taking steps to have the position reversed in so-far as it relates to the 12th Respondent also.

5) Having heard the learned Senior Counsel for the Appellants and the learned Counsel for the unofficial Respondent Nos. 1 to 10, we are of the opinion that the action of the appointment of 12th Respondent has resulted in a very queer position, whereby the Petitioners/ Respondent Nos. 1 to 10, who are admittedly seniors to the 12th Respondent would now or in a matter of time be required to report to their junior i.e., 12th Respondent, as the 12th Respondent, though not holding the stipulated qualification has been handed a higher post on a platter in view of the so-called Policy of the State, which permits appointments against anticipated acquisition eligibility.

6) In that view of the matter, we place on record the submissions of the learned Senior Counsel that steps are being taken to address the anomaly by reverting the 12th Respondent to a position in accordance with her seniority in the post of 'shroff' or in the alternative by extending similar concessions to the Respondent Nos. 1 to 10 and placing them in a position above the 12th Respondent.

7) In our view, it is no more res integra that compassionate appointment is required to be addressed on the basis of Rules governing the appointees as on the date of appointment. No-doubt, the Government Policy of 2003 permitted appointments against acquisition of eligibility; implying thereby the person appointed did not possess the eligibility criteria stipulated under the Rules and thereby prima facie resulting in the appointment of an ineligible candidate.

8) Be that as it may, in view of the stand expressed by the learned Senior Counsel, we deem it appropriate to adjourn the hearing by ten [10] days in order to give an opportunity to the Appellants to redress the anomaly. Accordingly, list the appeal on 27.12.2023 to report compliance.

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AS

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

for on
SECTION OFFICER

To,

1. K.Thej Kumar Reddy S/o.lateSidda Reddy, Assistant/Shroff Staff No 16983, O/o EDP Office Tirumala Tirupati Devasthanams, Door No 191259 Kesavayanagunta,Tirupati, Chittoor District
2. S Eswarachari, S/o late Murugachaii, Assistant/Shroff Staff No 17516 O/o SEO Services Tirumala Tirupati Devasthanams Mangalam Quarters Tirupati Chittoor District
3. K Jagadeesh, S/o late Janakiramaiah, Assistant/Shroff Staff No 17440 O/o Spl Officer S V Recording Project Tirumala Tirupati Devasthanams House No 94 C Type K T Quarters TTD K T Road Tirupati
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11. The Special Chief Secretary, State of Andhra Pradesh, Endowments Department, Secretariat, Velagapudi, Guntur District.
12. Kum. K.V.Srija, D/o late K.V.S.Babu, Junior Assistant, O/o Deputy Executive Officer, T.T.D. Tirupathi. **(Addressees 1 to 12 by RPAD)**
13. One CC to Ms.C.Sindhu Kumari, Advocate (OPUC)
14. One CC to Sri.J.Sudheer, Advocate (OPUC)
15. Two CCs to GP for Endowments, High Court Of Andhra Pradesh. [OUT]
16. Two spare copies

PSR

HIGH COURT

GN,J
&
VN,J

DATED:11.12.2023

NOTE: LIST THE APPEAL ON 27.12.2023 TO REPORT COMPLIANCE.

ORDER

WA.No.609 of 2022

DIRECTION

