

APHC010352492002



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

[3506]

THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 25897/2002

Between:

1.P.MURALI KRISHNA, S/O. NAGAPPA, TRACER, A.P.STATE IRRIGATION
DEVELOPMENT CORPORATION LIMITED, (A P S I D C L) ANANTAPUR.

...PETITIONER

AND

1.A P STATE IRRIGATION DEVELOPMENT CORPORATION LIMITED, REP.
BY ITS MANAGING DIRECTOR, MAITRIVANAM, HUDA COMPLEX,
SRINIVAS NAGAR COLONY (EAST),

2.THE EXECUTIVE ENGINEER, A.P.STATE IRRIGATION DEVELOPMENT
CORPORATION LIMITED, ANANTAPUR.

3.GOVERNMENT OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, P.E.DEPARTMENT, SECRETARIAT, HYDERABAD.

...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 to issue a writ order orders or directions particularly in the nature of Writ of Mandamus to call for the records pertaining to order Lr.No.IDC/MD/ADM/S.2/ADO.4/E.23/42/B5/Vol.2/3768 Dt.8/9.11.2002 and Lr.No. IDC/MD/ADM/S2/AS04/E23/42/85/Vol.11/3174 Dt.27.9.2002 Lr.No. IDC/MD/ADMN/S.2/ASO.4/E.23/42/85 Vol. 2/5057 dt. 5.2.2001/6.2.2001 issued by the 1st respondent and set aside the same as illegal, arbitrary, contrary to law, much less violative of principles of natural justice, violative of Art. 14, 16 and 21 of the

Constitution of India besides contrary to the service regulations of the Corporation and consequently directing the respondents to reinstate the applicant in accordance with the provisions under Chapter II Rule 13 in the interest of justice with all consequential, monetary, service and other benefits in the interest of justice and pass

IA NO: 1 OF 2002(WPMP 32721 OF 2002)

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 expedite for final hearing at an early date in the month of February 2003 and pass

IA NO: 1 OF 2025

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 may be pleased to set aside the dismissal order dated 16.10.2025 in W.P No. 25897 of 2002 and restore the Writ petition and pass

IA NO: 2 OF 2025

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 May be pleased to grant leave to the newly engaged counsel to file Vakalatnama on behalf of the petitioner without filing No Objection from the previous counsel, and pass

IA NO: 3 OF 2025

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 may be pleased to dispense in filing of the Certified copy of the order dated 16.10.2025 in W.P.No.25987 of 2002 and pass

Counsel for the Petitioner:

1. M V RAJA RAAM

Counsel for the Respondent(S):

- 1..
2. MALLIPUDI DHANA RAJU SC for APIDC Ltd.

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN**WRIT PETITION No.25897 of 2002****ORDER:**

The present writ petition is filed, seeking the following relief:-

“....to issue a writ order, orders or directions particularly in the nature of Writ of Mandamus to call for the records pertaining to Order Lr.No.IDC/MD/ADM/S.2/ASO.4/E.23/42/85/Vol.2/3768 date 08.09.11-2002 and Lr.No.IDC/MD/ADM/S2/ASO.4/E023/42/85/Vol.11/3174 dt.27.9.2002 Lr.No.IDC/MD/ADMN/S.2/ASO.4/E.23/42/85 Vol.2/5057 dated 5.2.2001/6.2.2001 issued by the 1st respondent and set aside the same as illegal, arbitrary, contrary to law, much less violative of principles of natural justice, violative of Article 14, 16 & 21 of the Constitution of India besides contrary to the service regulations of the Corporation and consequently directing the respondents to reinstate the applicant in accordance with the provisions under Chapter II Rule 13 in the interest of justice with all consequential, monetary, service and other benefits in the interest of justice and pass....”

2. Heard Sri Ramineni Sudheer, learned counsel for the petitioner and Sri M. Dhanu Raju, learned counsel for respondent No.1.

3. The petitioner stated to have joined as a Tracer with Respondent Corporation. With a view to contest in the Local Body Elections, the petitioner submitted resignation on 17.02.2000. The said resignation request came to be accepted by Proceedings, dated 19.02.2000 and accordingly, he got relieved. The petitioner, later, did not secure his nomination from the party, from which, he intended to contest. Therefore, he made Representation, dated 28.02.2000, requesting to cancel the acceptance of his resignation. The said request stated to have been placed before the Board of first respondent and

eventually, Board has taken decision not to accept his request and he was not re-engaged. The said decision has been communicated by letter, dated 06.02.2001. The petitioner challenged the same, by filing the W.P.No.13538 of 2001 before this Court. However, he sought permission to withdraw the said Writ Petition, with a liberty to make a fresh application, seeking for fresh appointment. This Court, by an Order, dated 03.07.2002, dismissed the Writ Petition, however, granted liberty to make a fresh representation to the respondent corporation, seeking fresh appointment and upon the same being made, the respondents therein were directed to dispose of, the same in accordance with law, within a period of eight (08) weeks thereafter. In obedience thereto, petitioner had made a representation dated 27.02.2002 and eventually, the same came to be rejected by an Order, dated 27.09.2002, issued by 1st respondent and the same was communicated by letter, 08.11.2002. Assailing the same, the present Writ Petition is filed.

4. Learned counsel for the petitioner, while drawing the attention of this Court to Rule 13 under Chapter II of the Staff Regulation of APSIDC Limited, would contend that the *impugned* decision has not been taken by the Board itself rather, it was the decision of the Managing Director and therefore, the *impugned* order requires to be set-aside. He further contended that the petitioner, since, was unsuccessful in securing the nomination for contesting Local Body Elections, he immediately made a request for withdrawal of the acceptance of resignation and allow him to be taken back into the service, the

respondents thereafter ought to have considered such request in a pragmatic manner.

5. Per *contra*, learned Standing Counsel for Respondent Corporation Nos.1 & 2, by referring the Proceedings, dated 27.09.2002, issued by the Vice Chancellor/Managing Director, would submit that the said proceedings have been communicated only after the decision of the board, inasmuch as Rule 13 bestowed such power on the Board alone. The request of the petitioner was duly placed before the Board of Directors in its Meeting held on 28.09.2000, who, on deliberation of such request, ultimately decided not to appoint the petitioner, afresh, into service. Therefore, the requirement of Rule has been clearly satisfied. He also submits that the respondent/corporation at a relevant point of time, had already taken a decision to downsize its existing employees for the purpose of introducing Voluntarily Retirement Scheme, therefore, question of re-engaging the petitioner would not arise and as discretionary powers were vested with the Board to re-engage the services, such discretionary decision cannot form subject matter of any grievance.

6. It is an admitted fact that the petitioner submitted his resignation letter and the same has been accepted by the respondent/corporation by proceedings, dated 19.02.2000. Once such resignation stands accepted for all purposes, the petitioner ceased to be the employee of the Corporation. He does not possess any right, as such, to seek re-appointment. The only

enabling provision under the Regulations which envisages a leeway for consideration for re-employment is Rule 13 under Chapter II of the Staff Regulation of APSIDC Limited, which is extracted hereunder.

“No person who has been dismissed from service of Government or a Statutory Body or Company or has resigned from service of the Corporation may be re-employed without specific prior approval of the Board.”

“In view of the said provision, the request of the ex-tracer was placed before the Board. The Board of Directors at their 128th meeting held on 28-9-2000 examined the issue in detail w.r.f. to the above Staff Regulations and also considering the present restructuring of the Corporation including the downsizing of the present man power and not agreed (vide item No.17 of Minutes of B.M.). The same was informed to the Ex-Tracer vide Lr.No.5057, dated 6-2-2001.”

7. Perusal of the aforesaid Rule would indicate that the discretion has been vested on the Board of Directors to re-employ a person, who otherwise has resigned from service. The *impugned* order goes to show that in 128th Meeting of the Board of Directors held on 28.09.2000, the request of the petitioner for re-employment was deliberated upon and ultimately the decision was taken by the Board rejecting the request. Though, learned counsel for the petitioner contended that the *impugned* order does not show that the Board had independently applied its mind and took a decision on the petitioner's request and rather, the decision was merely taken by the Vice Chancellor/Managing Director, this Court is not persuaded with the said submission. For the reason that, as aforesaid, even before writ-petitioner

withdrew the earlier W.P.No.13538 of 2001, the Board had already taken a decision, at the very first instance itself, not to re-engage the petitioner. Merely because he was given liberty to make afresh application, the same *ipso facto* would not vest any right on the petitioner to seek for re-employment. As the Board of Directors are competent to take a decision under their Rules and that, rightly the Board exercised its powers so vested and rejected the request of the petitioner, this Court cannot sit in appeal against the decisions of the Board, unless, it is demonstrated that the powers so exercised were manifestly arbitrary. This Court does not find any reason to interfere with such discretionary powers vested on the Board.

8. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending and the Interim order granted earlier, if any, shall stand closed.

JUSTICE CHALLA GUNARANAJAN

Date: 04.12.2025
CVD