[3302]

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NOs: 7906, 7875, 9977 AND 12556 OF 2023

W.P.No.7906 of 2023

Between:

N. Thirumala Rao, S/o. Satyanarayana.

...Petitioner

AND

1. The State of Telangana, Rep by its Principal Secretary, Tribal Welfare Department, Telangana Secretariat at B.R.K Bhavan, Hyderabad.
2. The Commissioner, Tribal Welfare Department, State of Telangana, Hyderabad.
3. The Deputy Director, Bhadradri Kothagudem District, Headquarters ITDA, Bhadrachalam.
4. The Project Officer, Integrated Tribal Development Agency, Bhadrachalam, Bhadradri Kothegudem District.
5. Kaja Aruna, D/o. K. Krishna Murthy, Occ: HWO, Gr-II, STGH, Madhira Khammam 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 a appropriate writ order or direction more particularly one in the nature of writ of mandamus by calling for the records relating to and connected with proceedings RC.No.A1/0622/2021 dated.04-03-2023 and consequential proceedings, RC.No.A1/DD(TW)/130/2023 dated 15-03-2023 and set aside the same as wholly illegal, arbitrary and unconstitutional voilative of principles of Natural justice, violative of statutory rules and also violative of Article 14, 19 and 21 of Constitution of India and consequently uphold the final seniority dated. 02-12-2019;

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the impugned proceedings vide RC.No.A1/0622/2021 dated. 04-03-2023 and consequential proceedings RC.No.A1/DD(TW)/130/2023 dated 15-03-2023, and continue to petitioner HWO-Gr-I, pending disposal of WP.No.7906 of 2023, 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 order of the High Court dated: 21.03.2023, 04.04.2023, 11.04.2023, 25.04.2023, 21.06.2023, 03.07.2023 24.07.2023, 14.08.2023, 04.09.2023, 25.09.2023, 16.10.2023, 15.11.2023, 28.11.2023, 15.12.2023, 29.12.2023, 09.01.2024, 24.01.2024, 14.02.2024, 29.02.2024 and 14.03.2024 made herein and upon hearing the arguments of M/s. AVADESH NARAYAN SANGHI Advocate for the Petitioner, Assistant GP FOR SERVICES – V for the Respondent Nos.1 to 4 and SRI. S. SATYANARAYANA RAO Advocate for the Respondent No.5,

W.P.No.7875 of 2023

Between:

B. Roopa Devi, W/o. D Babu.

...Petitioner

AND

1. The State of Telangana, Rep by its Principal Secretary, Tribal Welfare Department, Telangana Secretariat at B.R.K Bhavan, Hyderabad.
2. The Commissioner, Tribal Welfare Department, State of Telangana, Hyderabad.
3. The Deputy Director, Bhadradri Kothagudem District Headquarters ITDA, Bhadrachalam.
4. The Project Officer, Integrated Tribal Development Agency, Bhadrachalam, Bhadradri Kothegudem District.
5. K. Aruna, W/o. Not Known to petitioner, Occ: HWO, Gr- II, STGH, Madhira Khammam 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 a appropriate writ order or direction more particularly one in the nature of writ of mandamus by calling for the records relating to and connected with proceedings RC. No. A1/0622/2021 dated 04-03-2023 and consequential proceedings, RC.No. A1/DD(TW)/130/2023 dated 15-03-2023 and set aside the same as wholly illegal. arbitrary and unconstitutional voilative of principles of Natural justice, violative of statutory rules and also violative of Article 14, 19 and 21 of Constitution of India and consequently uphold the final seniority dated 02-12-2019 in the Interest of Justice.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the impugned proceedings vide RC.No.A1/0622/2021 dated 04-03-2023 and consequential proceedings RC.No.A1/DD(TW)/130/2023 dated 15-03-2023, and continue to petitioner as HWO Gr-I, pending disposal WP.No.7875 of 2023, 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 order of the High Court dated: 21.03.2023, 04.04.2023, 11.04.2023, 25.04.2023, 21.06.2023, 03.07.2023, 24.07.2023, 14.08.2023, 04.09.2023, 25.09.2023, 16.10.2023, 15.11.2023, 28.11.2023, 15.12.2023 29.12.2023, 09.01.2024, 24.01.2024, 14.02.2024, 29.02.2024 and 14.03.2024 made herein and upon hearing the arguments of M/s. AVADESH NARAYAN SANGHI Advocate for the Petitioner, Assistant GP FOR SERVICES – V for the Respondent Nos.1 to 4 and SRI. S. SATYANARAYANA RAO Advocate for the Respondent No.5,

W.P.No.9977 of 2023

Between:

K. Balakrishna, S/o. Venkataiah.

Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary to Government, Tribal Welfare Department, Telangana State Secretariat, Hyderabad.
2. The Commissioner, Tribal Welfare, DSS Bhavan, Telangana State, Hyderabad.
3. The District Collector (Tribal Welfare), Nalgonda, Nalgonda District.
4. The District Tribal Development Officer, Nalgonda, Nalgonda District.
5. P. Veeraanjaneyulu, S/o. Manikyarn Age 48 years, Occ. Grade-II Hostel Welfare Officer, Govt ST Boys, Marriguda, Nalgonda 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 a Writ, order or direction more particularly one in the nature of Writ of MANDAMUS.

A) To declare the entire action of the respondents, particularly the entire action of the 2nd respondent in issuing the present impugned proceedings Rc. No. A1/4064/2021 dt.16/3/2023, wherein while issuing speaking orders over the representations of the petitioner, which was made for assigning notional seniority / promotion , but directing the 4th respondent to revise the seniority list of Grade - II Hostel Welfare Officers, drawn vide proce. Rc.No. TW1/1055/2020 dated 7/5/2021 3rd respondent by mentioning circular Memo dated 5/11/2022 of the 2nd respondent, completely ignoring the relevant special rules including general rules, for the purpose of determining the inter-se-seniority is as highly illegal, arbitrary, unjust, improper, clear voilation of principle of natural justice, total non application mind, as well as contrary to various judicial pronouncements in the subject matter and set aside or quash the same.

B) Further hold that the final seniority list drawn in the cadre of Hostel Welfare Officers, Grade - II vide Proces. Rc. No. TW1/1055/2020 dated 7/5/2021 of the 3rd respondent is holds good for all the purposes, including for the purpose of effecting further promotions.

C) And consequently to direct the respondents to forth with to redraw the seniority of the petitioner vis-a-vis others in the cadre of Grade - II Hostel Welfare Officers working in the erstwhile Nalgonda District in terms of ranking assigned by the Public Service Commission by duly taking into consideration of passing of departmental tests prescribed in the special rules r/w general rules is the criteria without reference to the present impugned orders issued in proceedings Rc. No. A1/4064/2021 dt.16/3/2023, of the 2nd respondent.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to forth with to redraw the seniority of the petitioner vis-à-vis others in the cadre of Grade - II Hostel Welfare Officers working in the erstwhile Nalgonda District in terms of ranking assigned by the Public Service Commission by duly taking into consideration of passing of departmental tests prescribed in the special rules r/w general rules is the criteria by suspending the present impugned orders issued in proceedings Rc. No. A1/4064/2021 dt.16/3/2023, of the 2nd respondent, pending disposal of WP No.9977 of 2023, 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 order of the High Court dated: 13.04.2023 made in I.A.No.1 of 2023 and 29.12.2023, 09.01.2024, 24.01.2024, 14.02.2024, 29.02.2024 and 14.03.2024 made herein and upon hearing the arguments of SRI. SANTHAPUR SATYANARAYANA RAO Advocate for the Petitioner and GP FOR TRIBAL WELFARE for the Respondent Nos.1 to 4,

W.P.No.12556 of 2023

Between:

K. Narender, S/o. K. Narasimha

...Petitioner

AND

1. The State of Telangana, Represented by its Principal Secretary, Tribal Welfare Department, Secretariat, Saifabad, Hyderabad.
2. The Commissioner of Tribal Welfare, 1st Floor, D.S.S Bhavan, Masab Tank, Hyderabad – 500028.
3. The District Collector, Ranga Reddy District, Kongarakalan, Ibrahimpatnam, Telangana.
4. The District Tribal Development Officer, Kongarakalan, Ibrahimpatnam, Telangana.
5. P. Gopal Reddy, Occ: HWO Gr-II Officer, Government ST Boys Hostel, Venkatapur Thanda, Vikarabad, Vikarabad District.
6. V.Sreelatha, D/o. Bala Swamy, Occ: HWO Gr-II Officer, Government ST Girls Hostel, Ibrahimpatnam, R.R., 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 a appropriate writ order or direction more particularly one in the nature of writ of Mandamus by calling for the records relating to and connected with proceedings RC.No.A/106/2022-2, dt. 25/04/2023 and also proceedings RC.No.A1/501/2021-2, dt. 19/04/2023 and set aside the same holding it absolutely illegal, arbitrary, unconstitutional and violative of statutory Rules and consequently declare me as Senior to both the unofficial Respondents and accordingly grant me seniority and all consequential benefits pursuant thereto in the interest of justice.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay all further proceedings pursuant to the orders passed in RC.No.A1/501/2021-2, dt: 19-04-2023 and direct the Respondents to continue me as HWO Grade-I, pending disposal of WP.No.12556 of 2023, 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 order of the High Court dated: 27-04-2023 made in I.A.No.1 of 2023 and 01.08.2023, 22-08-2023, 04.09.2023, 25.09.2023, 16.10.2023 and 15.11.2023, 28.11.2023, 15.12.2023 29.12.2023, 09.01.2024, 24.01.2024, 14.02.2024, 29.02.2024 and 14.03.2024 made herein and upon hearing the arguments of M/s. AVADESH NARAYAN SANGHI Advocate for the Petitioner, GP FOR TRIBAL WELFARE for the Respondent Nos.1, 2 and 4 and GP FOR REVENUE for the Respondent No.3, the Court made the following.

ORDER:

At request of learned Additional Advocate General, post on 04.04.2024.

Till then, interim orders granted earlier shall stand extended.

SD/-MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to M/s. AVADESH NARAYAN SANGHI, Advocate [OPUC].
2. One CC to SRI. SANTHAPUR SATYANARAYANA RAO, Advocate [OPUC].
3. Two CCs to GP FOR SERVICES – V, High Court for the State of Telangana at Hyderabad [OUT].
4. Two CCs to GP FOR TRIBAL WELFARE, High Court for the State of Telangana at Hyderabad [OUT].
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT].
6. One spare copy

HIGH COURT

PKJ

DATED: 28.03.2024

POST THESE MATTERS ON 04.04.2024.

HIGH COURT FOR THE STATE OF TELANGANA
SPECIAL CELL
02 APR 2024
DESPATCHED

ORDER

WRIT PETITION NOs: 7906, 7875, 9977 AND 12556 OF 2023

EXTENSION OF INTERIM ORDER