

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

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

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 18450 OF 2017

Between:

G.Srinivas, S/o. G.Venkati, Aged about 44 years, working as Assistant Divisional Engineer, Operation Sub Division, Nandipet TSNPDCL, Nizamabad District.

...PETITIONER

AND

1. T.S.TRANSOCO Ltd., rep. by its Chairman and Managing Director, Vidyut Soudha, Hyderabad.
2. The Northern Power Distribution Company of Telangana Ltd., rep. by its Chairman and Managing Director, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
3. The Chairman and Managing Director, TSNPDCL, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
4. The Chief General Manager (HRD), TSNPDCL, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
5. Sri A.Rajesham, Assistant Divisional Engineer (Construction)/ Adilabad, TSNPDCL, Adilabad.
6. N.Annapurna, Assistant Divisional Engineer, TSPCCL, Vidyut Soudha, Hyderabad.
7. N.Anjaiah, S/o Sayedu, aged 45 years , working as Asst. Divisional Engineer, Construction, TSNPDCL, Karimnagar.
8. J.Purushotham, aged 44 years, Working as Asst. Divisional Engineer/Operation, Yellandu, TSNPDCL, Khammam district

As per Court order dated 28.04.2025 vide I.A.No.4/2017 in W.P.No.18450 of 2017, RR 7 & 8 are impleaded

9. Gajula Venkataramana, S/o Narasaiah, aged about 47 years, Occ Assistant Divisional Engineer, TSNPDCL R/o H.No.7-1-833, Mankammathota, Karimnagar, Telangana
10. Bodika Saraiah, S/o Bodika Mysaiah, Aged about 54 years, Occ Assistant Divisional Engineer, TSNPDCL, R/o H.No.2-7-173/1, Excise Colony, Road No-50@ Rajeev Park, Hanamkonda, Hanamkonda Telangana.

As per Court order dated 28.04.2025 vide I.A.No.1/2025 in W.P.No.18450/2017, RR 9 & 10 are impleaded

...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 appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the petitioner is entitled to have his seniority determined in the Assistant Engineer category by placing his name above that of 5th and 6th respondents in the revised final seniority list of Assistant Engineers communicated by the 3rd respondent vide Memo. No. CMD/CGM(HRD)/GM(S)/AS(Estt.1/PO-A/24-A3/17-20 dated 27-4-2017 duly placing his name below that of approved probationers at the time of his transfer and joining in the 2nd respondent company in February 2006 with all consequential benefits by setting aside the rejection order issued in Memo. No. CMD/CGM(HRD)/GM(S)/AS(Estt)/PO.A/24-A3/17-14 dated 24-4-2017 issued by the 3rd respondent and further be considered and promoted as Divisional Engineer with benefits which are incidental and ancillary thereto by holding the action of the 3rd respondent in not considering the petitioners objections to the provisional seniority list and further fixing petitioners seniority placing the name below that of petitioners instead of approved probationers as on petitioner date of joining in the 2nd respondent Company as being arbitrary, illegal, unjust and in violation of Articles 14 and 16 of the Constitution of India.

I.A. NO: 3 OF 2017(WPMP. NO: 22519 OF 2017)

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 suspend the operation of the seniority list of Assistant Engineers I communicated vide Memo. No. CMD/CGM(HRD)/GM(S)/ AS(Estt.1/PO-A/24-A3/17-20 dated 27-4-2017 of the 3rd respondent in so far as placing petitioner's name at Sl.No. 52 instead of showing his name above that of 5th and 6th respondent and the related rejection Memo. No. CMD/CGM(HRD)/ GM(S)/AS(Estt)/PO.A/24-A3/17-14 dated 24-4-2017 and direct the respondents 1 to 4 to consider fixing

petitioner's seniority in the Assistant Engineer cadre in accordance with TOO (Addl.sEcy-Pert Ms.No. 35 dated 13-5-2005.

I.A. NO: 1 OF 2017(WVMP. NO: 3943 OF 2017)

Between:

1. N.Anjaiah, S/o Sayedu, aged 45 years , working as Asst. Divisional Engineer, Construction, TSNPDCL, Karimnagar.
2. J.Purushotham, aged 44 years, Working as Asst. Divisional Engineer/Operation, Yellandu, TSNPDCL, Khammam district

...PETITIONERS

AND

1. G.Srinivas, S/o. G.Venkati, Aged about 44 years, working as Assistant Divisional Engineer, Operation Sub Division, Nandipet TSNPDCL, Nizamabad District.
2. T.S.TRANSOCO Ltd., rep. by its Chairman and Managing Director, Vidyut Soudha, Hyderabad.
3. The Northern Power Distribution Company of Telangana Ltd., rep. by its Chairman and Managing Director, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
4. The Chairman and Managing Director, TSNPDCL, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
5. The Chief General Manager (HRD), TSNPDCL, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
6. Sri A.Rajesham, Assistant Divisional Engineer (Construction)/ Adilabad, TSNPDCL, Adilabad.
7. N.Annapurna, Assistant Divisional Engineer, TSPCCL, Vidyut Soudha, Hyderabad.

...RESPONDENTS

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 vacate the interim order dated 08.06.2017 passed in WPMP No. 22519 of 2017 in WP No. 18450 of 2017 and dismiss the Writ Petition with costs in the interest of justice.

I.A. NO: 2 OF 2017(WVMP. NO: 3967 OF 2017)

Between:

N.Annapurna, Assistant Divisional Engineer, TSPCCL, Vidyut Soudha, Hyderabad.

...PETITIONER

AND

1. G.Srinivas, S/o. G.Venkati, Aged about 44 years, working as Assistant Divisional Engineer, Operation Sub Division, Nandipet TSNPDCL, Nizamabad District.
2. T.S.TRANSCO Ltd., rep. by its Chairman and Managing Director, Vidyut Soudha, Hyderabad.
3. The Northern Power Distribution Company of Telangana Ltd., rep. by its Chairman and Managing Director, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
4. The Chairman and Managing Director, TSNPDCL, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
5. The Chief General Manager (HRD), TSNPDCL, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
6. Sri A.Rajesham, Assistant Divisional Engineer (Construction)/ Adilabad, TSNPDCL, Adilabad.

...RESPONDENTS

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 vacate the interim order dated 08.06.2017 passed in W.P.M. No.22519 of 2017 in W.P.No.18450 of 2017.

IA NO: 9 OF 2018

Between:

1. T.S.TRANSCO Ltd., rep. by its Chairman and Managing Director, Vidyut Soudha, Hyderabad.
2. The Northern Power Distribution Company of Telangana Ltd., rep. by its Chairman and Managing Director, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
3. The Chairman and Managing Director, TSNPDCL, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
4. The Chief General Manager (HRD), TSNPDCL, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.

...PETITIONERS

AND

1. G.Srinivas, S/o. G.Venkati, Aged about 44 years, working as Assistant Divisional Engineer, Operation Sub Division, Nandipet TSNPDCL, Nizamabad District.

- 5 -
2. Sri A.Rajesham, Assistant Divisional Engineer (Construction)/ Adilabad, TSNPDCL, Adilabad.
 3. N.Annapurna, Assistant Divisional Engineer, TSPCCL, Vidyut Soudha, Hyderabad.

...RESPONDENTS

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 vacate the interim orders dated 08.06.2017 passed in W.P.M.P.No. 22519 of 2017 in W.P No. 18450 of 2017 and/dismiss the writ petition.

IA NO: 2 OF 2025

Between:

1. Gajula Venkataramana, S/o Narasaiah, aged about 47 years, Occ Assistant Divisional Engineer, TSNPDCL R/o H.No.7-1-833, Mankammathota, Karimnagar, Telangana
2. Bodika Saraiah, S/o Bodika Mysaiah, Aged about 54 years, Occ Assistant Divisional Engineer, TSNPDCL, R/o H.No.2-7-173/1, Excise Colony, Road No-50@ Rajeev Park, Hanamkonda, Hanamkonda Telangana.

...PETITIONERS

AND

1. G.Srinivas, S/o. G.Venkati, Aged about 44 years, working as Assistant Divisional Engineer, Operation Sub Division, Nandipet TSNPDCL, Nizamabad District.
2. T.S.TRANSOCO Ltd., rep. by its Chairman and Managing Director, Vidyut Soudha, Hyderabad.
3. The Northern Power Distribution Company of Telangana Ltd., rep. by its Chairman and Managing Director, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
4. The Chairman and Managing Director, TSNPDCL, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
5. The Chief General Manager (HRD), TSNPDCL, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
6. Sri A.Rajesham, Assistant Divisional Engineer (Construction)/ Adilabad, TSNPDCL, Adilabad.
7. N.Annapurna, Assistant Divisional Engineer, TSSPDCL, Vidyut Soudha, Hyderabad.

...RESPONDENTS

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

vacate the interim order dt.08.06.2017 passed in W.P.MP. Jo.22519 of 2017 in W.P.No.18450 of 2017 and related rejection letter dated: 24.04.2017 and dismiss the above Writ Petition with costs in the interest of Justice.

IA NO: 3 OF 2025

Between:

1. The Northern Power Distribution Company of Telangana Ltd., rep. by its Chairman and Managing Director, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
2. The Chairman and Managing Director, TSNPDCL, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.
3. The Chief General Manager (HRD), TSNPDCL, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal.

...PETITIONERS

AND

1. G.Srinivas, S/o. G.Venkati, Aged about 44 years, working as Assistant Divisional Engineer, Operation Sub Division, Nandipet TSNPDCL, Nizamabad District.
2. Sri A.Rajesham, Assistant Divisional Engineer (Construction)/ Adilabad, TSNPDCL, Adilabad.
3. N.Annapurna, Assistant Divisional Engineer, TSPCCCL, Vidyut Soudha, Hyderabad.
4. N.Anjaiah, S/o Sayedu, aged 45 years, working as Asst. Divisional Engineer, Construction, TSNPDCL, Karimnagar.
5. J.Purushotham, aged 44 years, Working as Asst. Divisional Engineer/Operation, Yellandu, TSNPDCL, Khammam district
6. Gajula Venkataramana, S/o Narasaiah, aged about 47 years, Occ Assistant Divisional Engineer, TSNPDCL R/o H.No.7-1-833 Mankammathota, Karimnagar, Telangana
7. Bodika Saraiah, S/o Bodika Mysaiah, Aged about 54 years, Occ Assistant Divisional Engineer, TSNPDCL, R/o H.No.2-7-173/1, Exercise Colony, Road No-50@ Rajeev Park, Hanamkonda, Hanamkonda Telangana.
8. T.S.TRANSCO Ltd., rep. by its Chairman and Managing Director, Vidyut Soudha, Hyderabad.

(Not necessary party respondent No.8)

...RESPONDENTS

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

→ -
vacate the interim order passed in WPMP No. 22519 of 2017 in WP No. 18450 of 2017 dt. 08-06-2017 and dismiss this writ petition.

Counsel for the Petitioner: SRI D.LINGA RAO

**Counsel for the Respondent No.1 to 4: SRI CH.VIDYA SAGAR, Sr. COUNSEL,
REP. FOR SMT K.UDAYA SRI**

**Counsel for the Respondent No.6 to 8: SRI K.G.KRISHNA MURTHY, Sr.
COUNSEL, REP. FOR SRI K.RAMAMOCHAN**

**Counsel for the Respondent No.9 & 10: SRI S.SURENDER RAO, Sr. COUNSEL,
REP. FOR SRI SIRIPURAM KESHAHA**

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

HON'BLE SRI JUSTICE NAGESH BHEEMAI AKA

WRIT PETITION No. 18450 OF 2017

04.12.2025

Between:

G. Srinivas

.. Petitioner

And

T.S. TRANSCO Ltd.

Rep. by its Chairman & Managing Director

And five others.

.. Respondents

ORDER:

Petitioner was appointed as Trainee Assistant Engineer (Electrical) in APGENCO on 05-09-2000. APTRANSCO issued TOO Ms. No. 35 dated 13-05-2005 allowing absorption on transfer between companies and APGENCO accepted this by Memo dated 30-06-2005. When petitioner sought absorption in APNPDCL (now TSNPDCL); APGENCO requested APNPDCL's concurrence *via* letter dated 09-12-2005, leading to G.O.O. No. 364 dated 19-12-2005 for mutual absorption of six AEs each. Petitioner was relieved *via* memo dated 05-01-2006 and joined APNPDCL on 01-02-2006, later promoted as Assistant

Divisional Engineer, fully eligible for Divisional Engineer promotion.

1.1. Regulation 25(f) of APSEB Service Regulations Part-II states mutual transferees shall forego seniority based on first appointment and take last rank among probationers in transferee unit. Petitioner, having completed probation on 11-06-2003, requested inclusion below approved probationers by representation dated 04-02-2006 but received no reply. It is stated, by Memo dated 04-01-2008, provisional seniority list of Assistant Engineers was issued placing contract appointees figured at Sl.Nos. 3 to 72 above the petitioner contrary to regulations. Petitioner objected to the same on 23-04-2008 but the said objections were rejected by memo dated 08-05-2009. Thereafter, final seniority list was issued showing petitioner at Sl.No. 112; without communicating the said seniority list, 45 AEs were promoted as Assistant Divisional Engineers via NOO dated 11-05-2009. Claiming the said order illegal, Writ Petition No. 10340 of 2010 was filed.

1.2. According to petitioner, when one Sri D. Mallesham, who was transferred as approved probationer on 22-06-2005 and placed below probationary AEs., made representation through SC & ST Rights Protection Society,

APTRANSCO clarified by letter dated 28-08-2009 to follow Regulation 25(f)(b)(i)&(ii) and earlier memos for seniority fixation. Despite this, petitioner's seniority was not revised whereas Mallesham was promoted in September 2009. Subsequently also, APTRANSCO by memo dated 16-04-2011 stated transferred employee seniority shall be counted from joining transferee company only. Petitioner filed further representations; APTRANSCO's letter dated 08-02-2012 reaffirmed seniority per TOO Ms. No. 35 dated 13-05-2005 excluding subsequent clarifications. Petitioner's 17-01-2012 representation remains unconsidered.

1.3. Petitioner states that peers appointed with him in APGENCO were promoted as Additional Divisional Engineers and considered for promotion as Divisional Engineers, but he is denied seniority benefits by the 2nd respondent. Petitioner therefore, filed Writ Petition No. 22482 of 2012 claiming seniority below approved probationers and the said Writ Petition pending. While so, the 3rd respondent communicated revised integrated provisional seniority list dated 31-05-2010 for which, he submitted objections on 31-05-2010 and 23-07-2017. Again objections were rejected by memo dated 24-04-2017 and final seniority list placed him at Sl.No. 52 reckoning joining date

as 01-02-2006 rather than initial APGENCO appointment, below Respondents 5 and 6 at Sl.Nos. 15 and 16. The impugned memo dated 27.04.2017 and the memo dated 24.04.2017 suffer from non-application of mind and exceed authority by deviating from Regulations *via* clarifications, thus illegal, contends petitioner.

1.4. According to petitioner, it is settled law that there is no power vested in the official respondents to alter the purport and content of the Regulations by way of clarifications. It is stated, basing on the said seniority, respondents are taking steps to effect promotions to the post of Divisional Engineer as is evident from the contents of the Memo dated 09.05.2017 wherein Annual Appraisal reports were called for. Hence, the Writ Petition.

2. This Court while issuing *rule nisi*, on 08.06.2017, granted interim suspension of operation of the seniority list of Assistant Engineers communicated via Memo dated 27.04.2017 of the 3rd respondent insofar as placing petitioner's name at Sl.No. 52 instead of showing his name above that of Respondents 5 and 6 and the related rejection memo dated 24.04.2017.

3. Respondents 1 to 4 have put-forward their case as follows:

Following the unbundling of APSEB and creation of DISCOMs, employee transfers between companies were held up, but APTRANSCO issued orders *vide* TOO (Addl. Secy-Per) Ms. No. 35 dated 13-05-2005 permitting absorption transfer of employees with the condition that transferred employees accept last rank in the seniority of the transferee company based on their appointment date in the new company. This was reinforced by N.O.O. (CGM-HRD) Ms. No. 239 dated 25-01-2006, which mandates employees to forfeit seniority in their original company and accept last rank in the new company. It is stated, certain Assistant Engineers (AEs) of APGENCO, including petitioner, were transferred mutually between APGENCO and APNPDCL (now TSNPDCL) under these orders. The AEs absorbed in APGENCO were placed below emergency/trainee AEs as per G.O.O. 364 dated 19-12-2005, confirmed by letters dated 21-12-2005 and Memo dated 24-12-2005, prescribing placement below AEs. with two years' service under regularization. Petitioner joined on 01-02-2006 FN: by that time, the 5th respondent had already converted as AE and the 6th respondent's service was regularized from 01-10-2004.

3.1. At the petitioner's joining date, some 2003 contract AEs. had completed two years and were regularized (effective from 01-03-2006). Under transfer conditions, petitioner's seniority was to lie below these 2003-recruited AEs. but above 2004 transfer-appointed AEs. as per BP Ms. No. 354 dated 12-12-1994. His seniority was fixed accordingly and communicated *via* Memo dated 04-01-2008. Upon petitioner's objections, after examination and finding no valid grounds, rejection was communicated through Memo dated 08-05-2011, with the seniority list dated 04-01-2008 finalized on 08-05-2011 placing petitioner at Sl. No. 111 below 2004 transfer AEs. This Court in Writ Appeal No. 1104 of 2011 and batch, by judgment dated 17-09-2013, held that seniority must be reckoned from the date of regularization. Pursuant to this, respondents revised the seniority list dated 08-05-2009 and issued a revised integrated provisional seniority list on 13-02-2017, fixing the petitioner at Sl. No. 53 below regular AEs. but above contract AEs. existing at his joining. Though as per transfer conditions, his seniority should have been below the 2003 direct recruitment batch, it was fixed above them following the High Court order.

3.2. It is further stated, petitioner's further objections to the provisional list were found baseless and rejected *via* Memo

dated 24-04-2017; the final seniority list issued on 27-04-2017 fixed him at Sl. No. 52. Regulation 25(f) of APSEB SRs Part-II, dealing with transfers of probationers and approved probationers, is cited with sub-regulations (a) and (b) explaining transfers are liable when administrative necessities exist, and consent for mutual transfers presumptively given with the condition that involved employees forego their previous seniority and take last rank in the new unit as of joining date. This Regulation applies only for transfers within the organization, not from/to outside organizations. Notes (iii) and (iv) of Regulation 10(h) of APSEB Service Regulations Part-III clarify seniority fixation for transfers on administrative grounds or at own request, fixing seniority in the latter unit relative to respective appointment dates. Regulation 7 of APSEB SRs Part-II prescribes that where a provision conflicts with a special regulation in Part-III, the latter prevails.

3.3. Due to unbundling and DISCOM formation, applicability is restricted to respective DISCOM jurisdictions. Transfers between companies are termed absorptions, where seniority reckons from joining date in the transferee company only. APTRANSCO'S TOO 35, dated 13-05-2005, confirms incumbents must accept last rank in seniority fixed in transferee company relative to their appointment date.

Regarding Sri D. Mallesham, AE, APTRANSCO'S Letter dated 28-08-2009 states provisions in Regulation 25(f)(b)(i)&(ii) and earlier clarifications (Memos Dt. 11-11-1991, 17-05-1994) may be followed in seniority fixation. Nonetheless, Memo dated 16-04-2011 clarifies seniority of employees transferred under TOO 35, Dt. 13-05-2005 shall be fixed as per appointment date in the transferee company regardless of earlier status, superseding earlier memos. Similar clarification for APNPDCCL was issued by Memo dated 26-07-2011. Since petitioner's seniority fixed thus, no deviation in rules/guidelines exists.

3.4. Without requisition from respondents, CGM (HRD&Trg) APTRANSCO in Lr.No. 28/12 dated 08-02-2012 sent Legal Advisor's opinion advising petitioner be placed as per TOO 35 regardless of subsequent clarifications, which apply prospectively from 16-04-2011. TOO 35 mandates forfeiture of previous seniority and acceptance of last rank in the transferee company with seniority reckoned from joining date. The Legal Advisor's opinion cannot override the TOO 35 guidelines. When Sri D. Mallesham's case was revisited, CGM(HRD)/Transco's Letter dated 18-09-2014 directed action as per TOO 35 and the 16-04-2011 clarification for fixation of seniority on permanent absorption. Petitioner's case is distinguished as he joined respondents' company in May 2006 and Sri D. Mallesham

having joined in June 2005. Between these dates some Sub-Engineers were promoted as AEs. by transfer and some AAEs converted to AEs. The final seniority list dated 08-05-2009 placed Sri D. Mallesham below existing regular AEs. as per transfer conditions, while petitioner's seniority was fixed below contract AEs. from 2003 whose regularization was underway at joining, as per transfer conditions. Pursuant to High Court directions of 17-09-2013, 08-05-2009 list was revised placing petitioner above 2003 recruitment batch.

3.5. Respondents deny failure to inform petitioner of seniority conditions; letters dated 21-12-2005 and Memo dated 24-12-2005 which clearly informed CGM(ADM)/APGENCO of placement of transferred incumbents below AEs. with two years' service undergoing regularization. Neither respondents nor APTRANSCO/APGENCO indicated petitioner's seniority would be below approved probationers; petitioner misinterpreted regulations for undue advantage. Assistant Engineers absorbed into APGENCO vide G.O.O No. 364 dated 19-11-2005 were placed below emergency/trainee AEs. Petitioner demands placement below approved probationers contrary to existing guidelines. Promotions from Assistant Engineer to Assistant Divisional Engineer since May 2009 are subject to review as per revised seniority dated 27-04-2017 under judgment dated

17-09-2013 in Writ Appeal No. 1104 of 2011 and batch. However, interim suspension order dated 08-06-2017 halted operation of the seniority list insofar as placing petitioner at Sl. No. 52 instead of above Respondents 5 and 6 with related rejection Memo dated 24-04-2017. It is reiterated that petitioner's seniority reckons from joining date 01-02-2006 in TSNPDCL, transferred from APGENCO, pursuant to TOO 35 (13-05-2005). Respondents therefore, pray for dismissal of Writ Petition.

4. In the counter, the 6th respondent almost stated in line with the case of Respondents 1 to 4. It is stated, interim stay of seniority list since 08-06-2017 prevents regular promotion despite vacancies and prays to vacate interim order. It is also stated, Regulation 25(f)(6)(i) of Part II cited by petitioner does not apply, as he is not a born employee of the 2nd respondent but transferred from APGENCO; hence special regulations in Part III govern. Citing the Supreme Court's precedent in **K.P. Sudhakaran v. State of Kerala**¹, the 6th respondent explains that seniority is retained when transfer is by administrative order but forfeited when transfer is at employee's request, placing employee at junior-most rank in new cadre, which supports respondents' position that

¹ (2006) 5 SCC 386

petitioner's previous APGENCO seniority does not count in TSNPDCL.

5. Respondents 7 and 8 state that the 7th respondent was appointed as Assistant Engineer on contract basis through direct recruitment on 01.10.2002 and became regular Assistant Engineer on 01.12.2004, while the 8th respondent was appointed on contract basis on 01.05.2002 and regularized through NOO (CGM-HRD) Ms.No. 163, dated 26.10.2004; both were promoted as Assistant Divisional Engineers on 11.05.2009 and have been working as such in the 2nd respondent company. Petitioner, initially appointed as Assistant Engineer in 2001 in A.P. GENCO, came on mutual transfer to the 2nd respondent company at his request on 24.12.2005 and joined as Assistant Executive Engineer on 01.12.2006. His request for transfer was processed pursuant to TOO No. 35 dated 13.5.2005, with the petitioner undertaking to take last rank among the regular employees in the 2nd respondent company and to forego his previous service in APGENCO, as the transfer was at his request under APSEB Service Regulation No. 10 Note 4 of Part III. Part III Regulations are special Regulations and prevail over Part II general Regulations in case of conflict as per Regulation 7 of Part II. As per Regulation 10 Note 4, an employee transferred at his own request from one unit to another shall have his

seniority fixed in the latter unit with reference to the date of his first appointment therein. Hence, the writ petitioner's seniority in the 2nd respondent company is reckoned from his joining date of 01.02.2006, whereas Respondents 7 and 8 were regular employees effective from 01.12.2004 and 01.10.2004, respectively. The final integrated seniority list published on 27.04.2007 placed the 7th respondent at Sl.No. 17, the 8th respondent at Sl.No. 19 and petitioner at Sl.No. 52. Petitioner's objections were rejected by the 2nd respondent company, prompting the petitioner to file the present writ petition claiming seniority over these respondents. Consequently, they filed Applications seeking impleadment as Respondents 7 and 8.

5.1. It is stated, numerous vacant Divisional Engineer posts exist, and due to the interim stay granted by this Court, although Respondents 7, 8 and other seniors are entitled, they are being denied regular promotions. The 7th respondent challenges petitioner's grievance that he is entitled to count seniority as per Regulation 25(f)(6)(i) of Part II of the APSEB Service Regulations, stating this Regulation does not apply to the facts since petitioner is not a born employee of the 2nd respondent company. Where seniority disputes involve employees transferred within the respondent company, the said

regulation applies; however, petitioner was transferred from A.P. GENCO to AP NPDCL at his request, hence governed by the special provision in Service Regulation No. 10 Note 4 of Part III, which requires seniority fixation from date of joining in the latter department. Part III Regulations prevail over Part II in conflicts as per Regulation No. 7 of Part III. Hence petitioner's request was rightly rejected under the Service Regulations as well as TOO No. 35 dated 13.05.2005, specifically Clause 5(c), which addresses absorption of employees subject to them accepting last rank in the seniority fixed for their category or grade in the transferee company relative to their date of appointment therein. The 2nd respondent, after examining petitioner's objections, issued Memo dated 24.04.2017 providing elaborate reasons justifying this decision, which do not call for interference by this Court.

5.2. These respondents rely on the Hon'ble Supreme Court's ruling in ***K.P. Sudhakaran's case*** confirming the principle that a government servant transferred to the same post and cadre by administrative order retains seniority from date of transfer, while transfer on the employee's own request results in forfeiture of prior seniority, placing the employee at the bottom of the seniority list in the new cadre. The Supreme

Court upheld this in relation to revised seniority lists dated 13.11.1990 and 22.09.1997, and seniority of transferred LDCs counted only from the date of joining the new district disregarding prior service. It is asserted that this judgment has been consistently followed, hence petitioner is not entitled to count previous seniority from the A.P. GENCO unit in TS NPDCL.

6. The additional reply affidavit filed by petitioner states that one D. Mallesham and others filed Writ Petitions Nos. 17492 of 2017, 12697 of 2006, and 28860 of 2014 challenging the legality and arbitrariness of the memo dated 08.05.2009 which deleted the specific condition placing petitioner after approved probationers in seniority. The Court, by its common order dated 08.10.2018, set aside the said memo and directed respondents to pass fresh orders for including petitioner appropriately in the seniority list and for consideration for next higher posts, permitting him to file a representation for such purpose. Pursuant to the said order, the 1st respondent issued the memo dated 10.11.2021 restoring the words "after approved probationers" in the seniority memo dated 08.05.2009, thereby cancelling the memo dated 09.06.2005, and revised D. Mallesham's seniority in the

Assistant Engineer cadre, placing him between serial numbers 14 and 15 in the revised integrated seniority list dated 27.04.2017, with an assurance that promotions to Divisional Engineer shall follow seniority rank. The memo states the orders of this Court were scrupulously followed and fully implemented.

6.1. After fixing seniority of Sri Mallesham who joined APNPDCL from APTRANSCO on 22.06.2005, petitioner, having joined on 01.02.2006, ought to have been placed below Mallesham and after the approved probationers. Instead, he was placed below Assistant Engineers who were non-approved probationers at his joining but completed probation subsequently. While other Distribution Companies uniformly follow APTRANSCO instructions and Regulations, APNPDCL adopted a different approach in his case, resulting in denial of his career prospects. Other Assistant Engineers appointed with petitioner in APGENCO have been promoted as Additional Divisional Engineers earlier and are now under consideration for Divisional Engineer posts, whereas he is disadvantaged by discriminatory seniority fixing.

6.2. Petitioner cites the 3rd respondent's Memo dated 13.02.2017, wherein a revised integrated provisional seniority list of Assistant Engineers (Elec.) as on 31.05.2010 placed him

at Sl. No. 52. Thereafter, however, following the interim order and TOO No. 35 dated 13.05.2005, his rightful place should have been at Sl. No. 15 in the final integrated provisional seniority list communicated on 27.04.2017. Though he submitted representation dated 23.07.2017, 3rd respondent rejected them through Memo dated 24.04.2017 and issued the final seniority list placing him at Sl. No. 52, reckoning date of joining in APNPDCL as 01.02.2006, not considering his initial APGENCO appointment date of 05.09.2000. Petitioner maintains that this seniority list is liable for review and revision pending outcome of several writ petitions including WP Nos. 26730/2015, 40338/2015, and others, with earlier WP Nos. 10340/2010 and 22482/2012 on seniority also pending before the Hon'ble Court.

6.3. Based on the aforementioned seniority lists, petitioner apprehends that promotions to Divisional Engineer posts are being processed through annual appraisal reports; however, due to unsettled seniority, official respondents may promote those unjustifiably placed above him, affecting his career prospects irreparably.

7. Heard Sri D. Linga Rao, learned counsel for petitioner as well as Sri Ch Vidya Sagar, learned Senior Counsel

on behalf of Smt. K. Udaya Sri, learned Standing Counsel for the Corporation and Sri K.G.Krishna Murthy, learned Senior Counsel on behalf of Sri K. Ramamohan, learned counsel for the Respondents 6 to 8 and Sri S. Surender Rao, learned Senior Counsel on behalf of Respondents 9 and 10. In support of his case, learned counsel for petitioner relies on the judgment of the Hon'ble Supreme Court in ***M/s Kesho Ram and Co. v. Union of India***². Sri K.G. Krishna Murthy, learned Senior Counsel relied on the judgments of the Hon'ble Supreme Court in ***Secretary to Government, Department of Health & Family Welfare v. K.C. Devaki***³ and ***Geetha V.M. v. Rethnasenan P.***⁴

8. Having perused the material on record and having heard learned counsel on either side, it is to be seen that Writ Petition is liable to be dismissed for, fixation of petitioner's seniority has been carried out strictly in accordance with the statutory provisions and service Regulations applicable to transfers and absorptions within the electricity sector. Specifically, TOO (Addl. Secy. Per) Ms. No. 35 dated 13-05-2005 and Regulation 10 Note 4 of Part-III, clearly provide that employees transferred on their own request to another company must accept the last rank in seniority reckoned from the date of

² (1989) 3 SCC 151

³ 2025 SCC Online SC 239

⁴ AIR 2025 SC 824

joining the transferee company. Part III Regulations are special Regulations and Part II Regulations are general. As per Regulation 7 of Part II, if any provision in these Regulations is recognized to a provision in the Special Regulation applicable to any particular service contained in Part III, the latter shall in respect of that service, prevail over the position in the Regulation in this part.

9. In the instant case, petitioner came on request to the 2nd respondent company on 01.02.2006 and joined in the post of Assistant Engineer, whereas Respondents 7 and 8 were admittedly regular employees with effect from 01.12.2004 and 01.10.2004 respectively, hence, their seniority was fixed at Sl.Nos. 17 and 19 and petitioner's was at Sl.No. 52. Though petitioner rely on Regulation 25(f)(6)(i) of Part II of the Service Regulation, the same has no application as petitioner is not a born employee of the 2nd respondent Company. Since he was transferred, Service Regulation No. 10 Note 4 of Part III would govern the field. This principle has been consistently upheld by judicial precedents including the common judgment in Writ Appeal No. 1104 of 2011 dated 17-09-2013 and the Hon'ble Supreme Court ruling in **K.P. Sudhakaran's case**.

10. The Hon'ble Supreme Court in **K.P. Sudhakaran's case**, held as under:

“ In service jurisprudence, the general rule is that if a government servant holding a particular post is transferred to the same post in the same cadre, the transfer will not wipe out his length of service in the post till the date of transfer and the period of service in the post before his transfer has to be taken into consideration in computing the seniority in the transferred post. But where a government servant is so transferred on his own request, the transferred employee will have to forego his seniority till the date of transfer and will be placed at the bottom below the junior-most employee in the category in the new cadre or department. This is because a government servant getting transferred to another unit or department for his personal considerations, cannot be permitted to disturb the seniority of the employees in the department to which he is transferred, by claiming that his service in the department from which he has been transferred, should be taken into account. This is also because a person appointed to a particular post in a cadre, should know the strength of the cadre and prospects of promotion on the basis of the seniority list prepared for the cadre and any addition from outside would disturb such prospects. The matter is, however, governed by the relevant service rules.”

11. In view of the same, this Court is of the opinion that petitioner's request was rightly rejected not only as per the Service Regulations mentioned above but also as per T.O.O.No. 35, dated 13.05.2005, by the order passed in Memo dated 24.04.2017 with elaborate reason which does not call for any interference.

12. For the reasons stated supra, the Writ Petition is dismissed. No costs.

13. Consequently all the miscellaneous applications if any are closed.

//TRUE COPY//

SD/-P. PONNA KRISHNA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI D.LINGA RAO, Advocate [OPUC]
2. One CC to SMT K.UDAYA SRI, Advocate [OPUC]
3. One CC to SRI K.RAMAMOCHAN, Advocate [OPUC]
4. One CC to SRI S.SURENDER RAO, Advocate [OPUC]
5. One CC to SRI SIRIPURAM KESHAHA, Advocate [OPUC]
6. Two CD Copies

BSR

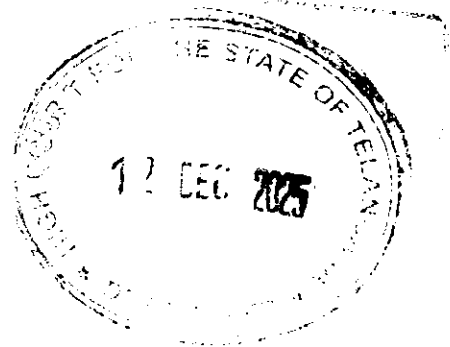
LS

HIGH COURT

DATED: 04/12/2025

ORDER

WP.No.18450 of 2017



**DISMISSING THE WRIT PETITION,
WITHOUT COSTS**

8 copies
lg
12/12/25