

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**MONDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR**

:PRESENT:

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 21111 OF 2024

Between:

D. Aravinda Chary, S/o Late D. Ramesh,

...Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Energy Department, Dr.B.R. Ambedkar Telangana Secretariat, Hyderabad -500022.
2. The Commissioner, for Co-operation & Registrar of Co-operative Societies, State of Telangana, Hyderabad.
3. The Managing Director, Co-operative Electric Supply Society Ltd. (CESS Limited), Sircilla, Rajanna Sircilla 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 an Writ, Order or Orders or direction more particularly in the nature of Writ of Mandamus declaring the proceedings No.MD(FAC)/CESS/Estt/D.No.339/2024 dt.11/07/2024 of the 3rd respondent restoring the petitioner to the original post of Junior Assistant and revising the pay and re-fixing in the cadre of Junior Assistant from time to time by cancelling the pay fixation done in the post of Additional Assistant Engineer as illegal, arbitrary, unjust, unreasonable, contrary to the APSEB/TS TRANSCO Service Regulations adopted by CESS Limited, violation of fundamental rights guaranteed under the Constitution of India, discrimination and against the principles of natural justice and set aside the proceedings of the 3rd respondent dt.11-07-2024 and consequently direct the respondent No.3 to continue the petitioner as Additional Assistant Engineer in the 3rd respondent department in the interest of justice.

IA NO: 1 OF 2024

Petition under Section 151 of 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 proceedings No.MD(FAC)/CESS/Estt/D.No.339/2024 dt.11-07-2024 of the 3rd respondent by continuing the petitioner in the post of Additional Assistant Engineer in the respondent department by promoting as Assistant Divisional Engineer by considering the representation of the petitioner dt.22.7.2023 as per the existing provisions of the laws, pending disposal of Writ Petition No.21111 of 2024, 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 Mr. G.

RAVINDAR, Advocate for the Petitioner, Services-II, for the Respondent Nos.1 and 2, Sri. Ch. Koteswar Rao, for the Respondent No.3, the Court made the following.

ORDER:

Notice before Admission.

Learned Government Pleader for Services-II takes notice on behalf of respondent Nos.1 and 2 and waives further notice.

Sri Ch.Koteswar Rao, learned Standing Counsel for Co-operative Electric Supply Society Limited, takes notice on behalf of respondent No.3 and waives further notice.

Registry is directed not to take out notice to the respondents in view of the above waiver.

Learned counsel for the petitioner submits that the petitioner was appointed as Junior Assistant on 29.06.2013 under compassionate grounds. Subsequently, the petitioner has made a representation to the respondents seeking appointment by transfer to the post of Additional Assistant Engineer. On completion of five years of service, the respondents have considered the said representation and issued orders on 18.07.2018. Consequently, the petitioner has assumed charge as Additional Assistant Engineer w.e.f.19.07.2018. Learned counsel further submits after declaration of the probation period by the respondents *vide* proceedings No.CESS/Estt.D.No.476/2019, dated 24.12.2019 and after completion of five years and eight months of service as Additional Assistant Engineer, respondent No.3 issued proceedings No.MD(FAC)/CESS /Estt/D.No.339/2024, dated 11.07.2024 cancelling the appointment of the petitioner as Additional Assistant Engineer, which is illegal and arbitrary. Therefore, learned counsel prays this Court to suspend the impugned proceedings, dated 11.07.2024.

Learned Standing Counsel for respondent No.3 submits that the petitioner has already relieved from the post of Additional Assistant Engineer on 12.07.2024 and reported for duty as Junior Assistant. However, learned Standing Counsel seeks time to file counter.

Having regard to the submissions made by learned counsel for the respective parties, there shall be interim suspension of the proceedings No.MD(FAC) /CESS/Estt/D.No.339/2024, dated 11.07.2024 issued by respondent

No.3 and the respondents are directed to continue the petitioner as Additional Assistant Engineer, until further orders.

Post on 18.09.2024 for counter.

**SD/- A.V.S.PRASAD
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Energy Department, State of Telangana, Dr.B.R. Ambedkar Telangana Secretariat, Hyderabad -500022.
2. The Commissioner, for Co-operation & Registrar of Co-operative Societies, State of Telangana, Hyderabad.
3. The Managing Director, Co-operative Electric Supply Society Ltd. (CESS Limited), Sircilla, Rajanna Sircilla District (RR 1 to 3 by RPAD)
4. One CC to Mr. G. RAVINDAR, Advocate [OPUC].
5. Two CCs to GP FOR Services-II, High Court for the State of Telangana at Hyderabad [OUT].
6. One spare copy

HIGH COURT

PK,J

DATED: 05/08/2024

NOTE: POST ON 18.09.2024 FOR COUNTER

ORDER

WP.No.21111 of 2024

INTERIM SUSPENSION

