

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

**WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WP.Nos.23812 OF 2016, WP.Nos.9352 AND 13977 OF 2017

WP NO: 23812 OF 2016

Between:

D. Adinarayana, S/o. D. Subba Rao, Aged 54 years, Occ Executive Engineer (Grade-EIV) O/o. Additional General Manager (Civil), Quality Control Cell, Ramagundam Region, Karimnagar R/o. Godavarikhani, Karimnagar District.

...PETITIONER

AND

1. The Singareni Collieries Company Limited, Rep. by its Chairman & Managing Director, Singareni Bhavan, Lakdikapool, Hyderabad.
2. General Manager (Personnel), Executive Establishment & Recruitment Cell, Singareni Collieries Company Limited, Kothagudem, 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 an order or direction more particularly one in the nature of Writ of CERTIORARI.

(a) to call for the records relates to and connected with the impugned proceedings vide Ref. No. CRP/PER/C/2016 /1623 dated 16.06.2016 and quash or set aside the same holding it as arbitrary, illegal and violation of Article 14 and 16 of Constitution of India,

(b) direct the respondents to pay monetary benefits including arrears with all other consequential benefits thereof to the petitioner, in view of his notional promotion as Junior Engineer (E-I Grade) w.e.f. 1.9.1988 vide proceeding dt. 27.1.2015.

I.A. NO: 1 OF 2016(WPMP. NO: 29330 OF 2016)

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 direct the respondents to consider the case of the petitioner to pay the monetary benefits including arrears with all other consequential benefits thereof in view of his notional promotion as Junior Engineer (E-I Grade) w.e.f. 1.9.1988 vide proceeding dt. 27.1.2015.

I.A. NO: 1 OF 2022

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 direct the respondents to pay the monetary benefits including arrears with all consequential benefits w.e.f 01.09.1988 to the petitioner as extended in Writ Petition No's: 3453 of 2012, 24641 and 17897 of 2015 dated 23.02.2022 and 07.12.2020 respectively, in terms of the Letter Ref. No. CRP/PER/C/25/210 dated 27.01.2015.

Counsel for the Petitioner: SRI K.S.V.SUBBA RAO

Counsel for the Respondents: SRI P.SRI HARSHA REDDY, SC FOR SCCL

WP NO: 9352 OF 2017

Between:

Badam Hari Babu, S/o. Late Shekharaiah, Aged 60 years, Occ Retired Junior Engineer, (Civil), O/o. Additional General Manager (Civil), Manuguru, R/o. Flat No. 201, Plot No. 85, Maruthis Poojala Enclave, Road No. 3, Snehapuri Colony, Nagole, Hyderabad-35.

...PETITIONER

AND

1. The Singareni Collieries Company Limited, Rep. by its Chairman and Managing Director, Singareni Bhavan, Lakdikapool, Hyderabad.
2. General Manager (Personnel), Executive Establishment & Recruitment Cell, Singareni Collieries Company Limited, Kothagudem, 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 an order or direction more particularly one in the nature of Writ of MANDAMUS.

(a) declare that the petitioner is entitled for monetary benefits in view of the notional promotion extended by the respondents vide proceedings dated 27.01.2015, as arbitrary, illegal and violation of Article 14 and 16 of Constitution of India,

(b) direct the respondents to pay monetary benefits including arrears with all other consequential benefits thereof to the petitioner, in view of his notional promotion as a Junior Engineer (E-I Grade) w.e.f. 01.03.1989 vide proceeding dt. 27.1.2015

I.A. NO: 1 OF 2017(WPMP. NO: 11586 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 direct the respondents to consider the case of the petitioner to pay the monetary benefits including arrears with all other consequential benefits thereof, in view of his notional promotion as a Junior Engineer (E-I Grade) w.e.f. 01.03.1989 vide proceeding dt. 27.1.2015.

Counsel for the Petitioner: SRI K.S.V.SUBBA RAO

Counsel for the Respondents: SRI P.SRI HARSHA REDDY, SC FOR SCCL

WP NO: 13977 OF 2017

Between:

Nuthi Satyanand, S/o. Nuthi Chandraiah, Aged about 60 years, Occ Retired Junior Engineer, (Civil), Singareni Collieries Company Limited, R/o. H.No. 5-58 Abudullapur Hyderabad.

...PETITIONER

AND

1. The Singareni Collieries Company Limited, Rep. by its Chairman and Managing Director, Singareni Bhavan, Lakdikapool, Hyderabad.
2. General Manager (Personnel), Executive Establishment & Recruitment Cell, Singareni Collieries Company Limited, Kothagudem, 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

a) declare that the petitioner is entitled for monetary benefits in view of the notional promotion extended by the respondents vide proceedings dated 27.01.2015, as arbitrary, illegal and violation of Article 14 and 16 of Constitution of India,

(b) direct the respondents to pay monetary benefits including arrears with all other consequential benefits thereof to the petitioner, in view of his notional promotion as a Junior Engineer (E-I Grade) w.e.f. 01.03.1983 vide proceeding dt. 27.1.2015.

I.A. NO: 1 OF 2017(WPMP. NO: 17349 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 direct the respondents to consider the case of the petitioner to pay the monetary benefits including arrears with all other consequential benefits thereof, in view of his notional promotion as a Junior Engineer (E-I Grade) w.e.f. 01.03.1988 vide proceeding dt. 27.1.2015.

Counsel for the Petitioner: SRI K.S.V.SUBBA RAO

Counsel for the Respondents: SRI P.SRI HARSHA REDDY, SC FOR SCCL

The Court made the following: COMMON ORDER

HIGH COURT FOR THE STATE OF TELANGANA
HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

Dated this the 6th day of May, 2026

WRIT PETITION Nos.23812 of 2016, 9352 & 13977 of 2017

WRIT PETITION No.23812 of 2016

Between:

D. Adinarayana

.. Petitioner

AND

The Singareni Collieries Company Ltd., represent by its
Chairman & Managing Director, Hyderabad, and another.

.. Respondents

AND

WRIT PETITION No.9352 of 2017

Between:

Badam Hari Babu

.. Petitioner

AND

The Singareni Collieries Company Ltd., represent by its
Chairman & Managing Director, Hyderabad, and another.

.. Respondents

AND

WRIT PETITION No.13977 of 2017

Between:

Nuthi Satyanand

.. Petitioner

AND

The Singareni Collieries Company Ltd., represent by its
Chairman & Managing Director, Hyderabad, and another.

.. Respondents

COMMON ORDER:

All these writ petitions have been filed to direct the respondents to pay monetary benefits, including arrears with all other consequential benefits thereof to the petitioners in view of their notional promotion as Junior Engineer (E-I Grade)

w.e.f. 01.09.1988 vide proceedings dated 27.01.2015, and the petitioner in W.P.No.23812 of 2016 further requested to quash the proceedings vide Ref.No.CRP/PER/C/2016/1623, dated 16.06.2016 issued by the 2nd respondent.

Since all the petitioners are in a similar situation and the issue involved in all these Writ Petitions is identical, this Court is inclined to dispose of the same by way of a Common Order.

2. Heard Sri K.S.V. Subba Rao, learned counsel for the petitioners and Sri P. Sri Harsha Reddy, learned Standing Counsel for Singareni Collieries Company Ltd., appearing for the respondents, in all the Writ Petitions. Perused the record.

3. For convenience, the facts stated in W.P.No.23812 of 2016 are discussed hereunder:

(a) The 1st respondent had notified vacancies in the cadre of Overseer (Civil), and the petitioner had responded to the said notification, and after undergoing the regular selection process, he was selected and appointed as an overseer in the 1st respondent Organization on 20.08.1983. Later, he was promoted as a Supervisor on 01.09.1986, and he was eligible for the future promotion for the post of Junior Engineer (civil), (Executive Cadre E1) on completion of two years of service. As

per the Note dated 29.09.1981 of the 1st respondent Organization vacancies, in the Civil Engineering Department at the Supervisory Level were identified, with a total of 128 posts.

(b) Though the petitioner completed two years as a Supervisor, the respondents have not given the promotion to the petitioner as a Junior Engineer. In the said circumstances, the petitioner and other employees of the respondent Organization had filed W.P. No.25133 of 1997 before the High Court, which was dismissed on 14.10.2003. Then, they preferred W.A.No.2361 of 2003 against the dismissal order of the Writ Petition, and the Hon'ble Divisional Bench of the High Court allowed the Writ Appeal on 24.12.2013 by directing the respondents to consider the cases of the petitioners for promotion strictly in accordance with the time-bound promotion policy.

(c) The respondents had carried the matter to the Hon'ble Supreme Court by filing SLP No.12976 of 2014, and the Hon'ble Supreme Court dismissed the case on 05.01.2015, confirming the orders passed by the Hon'ble Divisional Bench in W.A.No.2361 of 2003. In the interregnum, the petitioner had completed M.Tech. (Structural Engineering) from JNTU,

Hyderabad, during 2008, while he was working as a Supervisor (Civil). The petitioner had responded to a direct recruitment Notification issued by the respondent organization for the post of Junior Executive Trainee (Civil) (E-I Cadre) during 2006 and he was selected and appointed as a Junior Executive Trainee (Civil) (E-I grade) on 16.04.2007 and was promoted to various levels and lastly, promoted as E-4 grade Executive Engineer on 07.12.2013 w.e.f. 04.12.2013. The respondents modified the promotion in respect of E2, E3, vide order dt.28.06.2013, effecting E2 & E3 promotion w.e.f. 16.04.2007 & 16.04.2008 respectively. The monetary benefits were given to the petitioner in pursuance of the above mentioned modification w.e.f. 01.03.2013.

(d) After allowing the Writ Appeal, the petitioner had submitted a detailed representation requesting compliance with the orders passed by the Hon'ble High Court in W.A.No.2361 of 2003. When the respondents failed to comply with the order passed by the Hon'ble High Court, he and other employees of the respondent Company filed C.C.No.1932 of 2014. Only when a Contempt Case was filed did the respondents partially comply with the orders passed by the Hon'ble High Court on 27.01.2015, wherein they were given notional promotion as

Junior Engineers E-I Grade w.e.f. 01.09.1988, however, monetary benefits were not extended to them. The petitioner submitted his representations on 03.02.2015, and on 10.03.2015 respectively, for monetary benefits and the said representations were rejected by the respondents on 13.05.2015, stating that his request for monetary benefits was examined and it has been rejected, stating that he was not entitled to monetary benefits.

4. Learned counsel for the petitioner submits that though the respondents had rejected petitioner's request for monetary benefits for the notional promotion given to him in the cadre of Junior Engineer w.e.f. 01.09.1988, the respondents fixed the pay notionally in the month of September 2015. The proceedings of the General Manager(P)/EE., dated 07.09.2015, would disclose that the non-monetary benefit was fixed up to 26.01.2015 and monetary benefits were given from 27.01.2015. The petitioner is entitled to monetary benefits in view of his notional promotion in the cadre of Junior Engineer (E-I grade) w.e.f. 01.09.1988.

5. Learned counsel for the petitioner further submits that the respondents had rejected the petitioner's case for grant of monetary benefits vide proceedings dated 13.05.2015 and

challenging the said rejection proceedings dated 13.05.2015, the petitioner had filed Writ Petition No.13712 of 2016 and the same was disposed of on 29.04.2016 permitting the petitioner herein to submit representation afresh to the respondents, within a period of one month from the date of receipt of a copy of this order, and if any such application is submitted within the time stipulated, the same be considered and appropriate orders be passed, in accordance with law, within a period of two (2) months thereafter.

6. Learned counsel for the petitioner further submits that the petitioner had submitted a detailed representation on 01.06.2016, claiming monetary benefits including arrears of pay with all consequential benefits, but the respondents mechanically rejected the petitioner's representation on 16.06.2016 with all false contentions. It has been contended in the impugned rejection orders dated 16.06.2016, that any promotion will be subject to availability of vacancies which stand of the respondents is contrary to the promotion policy dated 29.09.1981 and contrary to the Judgment rendered by the Hon'ble Division Bench in Writ Appeal 2361 of 2003 dated 24.12.2013, as per the promotion policy dated 29.09.1981,

promotion in the Civil Engineering Department up to the cadre of Junior Engineer are time bound but not vacancy based.

7. Learned counsel for the petitioner further submits that the entire Supervisory cadre vacancies were identified as 128 way back in 1977. In view of the same, the contention of the respondents that the promotions are subject to the availability of vacancies does not arise, and the promotions in the Supervisory cadre have to be effected on a time-bound basis. Since the respondents had given notional promotions in tune with the said promotion policy vide proceedings dated 27.01.2015, the respondents are bound to pay monetary benefits, including arrears and other consequential benefits. Accordingly, prayed to allow the Writ Petition.

8. Learned counsel for the respondents filed a counter affidavit by contending that the petitioner was initially appointed in NCWA cadre (Non-Executive Cadre) as Overseer Grade-B on 20.08.1983 and subsequently, he was promoted to various levels in NCWA as well as Executive Cadre. The petitioner along with others have filed W.P. No. 25133 of 1997 which was dismissed by this Hon'ble Court vide order dated 14.10.2003 and subsequently, Writ Appeal No. 2361 of 2003 was filed by the petitioner and others and this Court allowed

the said appeal on 14.10.2003 directing the respondent Company to consider the case of the appellants for promotion on time-bound scheme, subject to other eligible criteria to be fulfilled, save the issue of availability of vacancies.

9. Learned counsel for the respondent submits that aggrieved by the above, the respondent Company filed a Special Leave Appeal in the Apex Court vide SLP No.12976 of 2014 against the judgment dated 24.12.2003, which was dismissed; however, the question of law is left open vide order dated 05.01.2015.

10. Learned counsel for the respondent further submits that after completion of training, the petitioner was drafted as Assistant Engineer (Civil) in E-2 Grade on 16.08.2008. Later, he was promoted to Executive Engineer in E-3 Grade on 02.05.2011 and to E-4 Grade on 04.12.2013. In accordance with the Modification of Recruitment Rules of the respondent Company vide proceedings No.CRP/PER/C/25/1691, dated 28.06.2013, the petitioner was upgraded from Junior Engineer Trainee (Civil) to Management Trainee in Grade-E2 from the date of his appointment/promotion, i.e. 16.04.2007.

11. Learned counsel for the respondent further submits that subsequent to dismissal of S.L.P. No.12976 of 2014, and in compliance with this Hon'ble Court's judgment dated 24.12.2013, the respondent Company promoted the petitioner and 13 others as Junior Engineer (Civil) in E-1 Grade with effect from 01.09.1988 by fixing the basic pay and annual increments notionally as per the rules in vogue in the respondent Company. The petitioner submitted a representation on 03.02.2015 requesting to pay monetary benefits from the date of his promotion as Junior Engineer (Civil) in E-1 Grade, i.e, with effect from 01.09.1988. The petitioner was informed vide letter No.CRP/PER/C/25/1427, dated 13.05.2015 states that his representation for payment of arrears and consequential benefits does not merit consideration as the respondent Company has promoted the petitioner as JE (Civil) in E-1 Grade with effect from 01.09.1988 by fixing the basic pay and annual increments notionally as per the rules in vogue in the respondent Company.

12. Learned counsel for the respondent further submits that the petitioner's claim that the nature of duties performed by all Supervisory and all executive level employees in Civil

Department is one and the same and respondent Company should pay the monetary benefits from the date of his promotion to as JE(Civil) in E-1 Grade, is not tenable since the skill, experience, qualifications, responsibilities and service conditions of NCWA Employees and Executives are different from each another. The sanctioned strength of Junior Engineer (Civil) in E-1 Grade was only 6 (six) in the year 1977. In compliance with the Order dated 14.10.2003 in W.P.No. 25133 of 1997 only, the petitioner and 13 others were promoted to Junior Executive (Civil) in E-1 Grade notionally irrespective of vacancies. In this connection, the petitioner has filed I.A. No.1 of 2022 in W.P. No.23812 of 2016 praying the Hon'ble Court to direct the respondents to pay the monetary benefits, including arrears with all consequential benefits w.e.f. 01.09.1988 to the petitioner as extended in W.P. No. 3453/2012, W.P. No.24641/2015 and W.P.No.17897/2015 dated 23.02.2022 and 07.12.2020 respectively in terms of the letter Ref. No.CRP/PER/C/25/210, dated 27.01.2015.

13. Learned counsel for the respondent further submits that in compliance with the directions of this Hon'ble Court vide order dated 24.12.2013 in W.A.No.2361 of 2003, the petitioner who was already working as Executive cadre by the time of

office order dated 27.01.2015, was re-graded/promoted from NCWA cadre to Executive cadre in E-1 Grade notionally as Junior Engineer(Civil) after completion of two years of service in Grade-A with effect from 01.09.1988 under time bound and monetarily benefit prospectively vide office order No.CRP/PER/C/25/210, dated 27.01.2015. Accordingly, the petitioner's basic pay was re-fixed in accordance with rules in vogue, and thereby raised from Rs.32,310/- to Rs. 42,910/-. The arrears amounting to Rs.1,54,164/- for the period from 27.01.2015 to August 2015 were paid.

14. Learned counsel for the respondent further submits that the petitioner filed Contempt case No.1932 of 2014 for non-implementation of the orders contained in the W.A.No. 2361 of 2013 and the Hon'ble Division Bench of this Court closed the contempt case on the ground that in the absence of a direction to extend the petitioners the benefit of arrears of pay and other monetary benefits, the respondent cannot be said to have violated the orders of the Division Bench and made it clear that arrears of pay and other monetary benefits are matter for consideration in appropriate legal proceedings, if any, to be initiated by the petitioners therein. Further, it is submitted that in compliance with the order dated 24.12.2013, the

petitioner is not eligible for monetary benefits, including arrears, as the petitioner was promoted notionally and arrears of payment does not arise. The petitioner was paid all monetary benefits, including arrears, with all other benefits. Thus, the petitioner's claim that the proceedings be quashed vide Ref. No.CRP/PER/C/2016/1613, dated 16.05.2016 and to pay monetary benefits, including arrears, is not tenable. Accordingly, prayed to dismiss the Writ Petition.

15. Per contra, learned counsel for the petitioner filed a reply affidavit, *inter alia*, by contending that after the judgment of the Division Bench in Writ Appeal No. 2361 of 2003, dated 24.12.2013, the respondent Company had issued proceedings on 27-01-2015 promoting the petitioner notionally to E-1 Grade w.e.f. 01.09.1988. Therefore, the post of JET (Civil), E-1 Grade w.e.f. 16.04.2007, the respondent Company reviewed petitioner's case for promotion as J.E (Civil) - E 1 Grade from 01.09.1988 as per the time bound promotional policy of the respondent Organization. The post of Supervisor (Civil), Grade-A and Junior Engineer (Civil), E-1 Grade, discharge the same duties, and these posts are not distinct and separate cadres. [(1) Memorandum of settlement dated 19.12.2006, para no.6

and (2) Singareni Collieries Company Limited, Executives' Promotion Rules 11.0 reads as follows:

"The employees promoted to executive scales of pay shall be reckoned against Manpower sanction in NCWA 'A'/A-1' grade and will continue to discharge the duties required to be discharged by them prior to promotion".

16. Learned counsel for the petitioner further submits that after filing of the Writ Petition No.13712 of 2016, the General Manager (Civil) in his Letter dated 16.05.2016 in reference CRP/CVL/G/1500 had categorically stated that the nature of the duties performed by the Supervisor (Civil) and Junior Engineer (Civil) in Singareni Collieries Company Limited (SCCL) are one and the same. In support of the same, the General Manager (Civil) of the respondent Company had placed reliance on the relevant paras (3 Nos.) extracted from Civil Contract Manual, justifying petitioner's plea that the nature of duties performed by Junior Engineer (Civil)/Supervisor (Civil) is one and the same. In view of such clarification so issued by the General Manager (Civil) dated 16.05.2016, the denial of monetary benefit on the ground that the natures of duties performed by Junior Engineer (Civil) or Supervisor (Civil) are distinguishable is not sustainable in Law and liable only to be rejected. So, the petitioner is entitled to be granted monetary

and consequential benefits payable attached to the post of Junior Engineer (Civil), E-1 Grade w.e.f. 01.09.1988 till 26.01.2015, since the respondent Company had allowed the monetary benefit only from 27.01.2015.

17. Learned counsel for the petitioner further submits that the respondents in the impugned rejection order dated 16.06.2016 had not quoted any rule or instructions before denying the grant of monetary and consequential benefits in pursuance of the petitioner's notional promotion. In the absence of any rule or instruction, denying my request for granting monetary benefit/consequential benefits upon such notional promotion cannot be countenanced by this Court.

18. Learned counsel for the petitioner further submits that in Writ Petition Nos. 24641 and 17897 of 2015, the Hon'ble Court has granted consequential benefits to the petitioners in the above referred cases. In the judgment in Writ Appeal No.2361 of 2003, dated 24-12-2013, the Division Bench had categorically stated that the petitioners in i.e. W.P.No. 3453 of 2012 shall be entitled to all the benefits. Therefore, the judgment rendered in favour of the petitioner in Writ Appeal No.2361 of 2003, dated 24.12.2013, is being implemented by the respondent company by granting monetary benefits,

whereas when it comes to this petitioner's case, his pay has been fixed notionally without any monetary benefit & consequential benefits, which cannot be sustained in the light of the recent Judgment in Writ Petition Nos. 24641 and 17897 of 2015 and 3453 of 2012, dated 23-02-2022. In any view of the matter, when similarly situated persons approached the Court after petitioner's case, they were extended all consequential benefits, and therefore, the same benefit should have been extended to the petitioner as well. Accordingly, prayed to allow the Writ Petition.

FINDINGS OF THE COURT:

19. A perusal of the record shows that the W.P.M.P. No.17349 of 2017 in W.P.No.13977 of 2017 was dismissed on the ground that the main prayer and interim prayer were one and the same.

20. The issue involved in all three writ petitions is whether the petitioners are eligible for monetary benefits or not. Initially, the petitioners filed writ petition No.25133 of 1997, which was dismissed on 14.10.2003. Against the dismissal order, Writ Appeal No.2361 of 2003 was filed, and the same

was allowed by the Division Bench, and the said Division Bench, while allowing the Writ Appeal, observed as follows:

“para No.38.: Barring the efforts of the respondent company that initial promotions were given erroneously, and that subsequently in view of the complaints received from other departments, the said system had been put paid to, the voluminous material brought on record clinchingly shows that all along with appellants had the benefit of time bound promotion subject to the maximum cap on cadre strength. As such, in the first place, in W.A. No.503 of 2000, while remanding the matter the earlier Division Bench has never observed, and thus, foreclosed any discussion, that the promotion shall be subject to the availability of vacancies, and ipso facto, the observations of the learned single judge in his judgment, dated 14.10.2003, that the promotions to the appellants shall be subject to the existence of identified vacancies cannot be sustained.

39. For the foregoing reasons, the judgment dated 14.10.2003, of the learned single judge in W.P.No.25133 of 1997 is hereby set aside and consequently, the respondent Company is directed to consider the case of the appellants for promotion on time bound scheme, subject to other eligibility criteria to be fulfilled save the issue of availability of vacancies.

40. Accordingly, the Writ Appeal is allowed.

21. Aggrieved by the same, the respondent authorities preferred SLP No.12976 of 2014 and the same was dismissed on 05.01.2015. During the interregnum, petitioner completed M.Tech. from JNTU in 2008. The respondent authorities

issued a direct recruitment Notification during the year 2006, and the petitioner participated in the said Notification, and was appointed as a Junior Executive Trainee (Civil) (E-1 grade) on 16.04.2007. Finally, the petitioner was promoted to the E-4 grade of Executive Engineer on 07.12.2013. Subsequently, the respondent authorities modified the promotion in respect of E-2 and E-3 vide order dated 28.06.2013, effecting the promotion w.e.f. 16.04.2007 and 16.04.2008, respectively and the monetary benefits were given to the petitioner in pursuance of the above said modification w.e.f. 01.03.2013. In the meantime, the petitioner submitted a representation requesting compliance with the order in W.A.No.2361 of 2003. But, the respondent authorities did not comply with the order. Against the said action, a contempt case was filed vide C.C. No.1932 of 2014, and the same was dismissed on 11.02.2015 with the following observation:

"It is made clear that no opinion has been expressed by us on the petitioners entitlement or otherwise to arrears of pay and other monetary benefits as these are matters for examination in appropriate legal proceedings, if any, to be instituted by the petitioners herein.

The contempt case fails and is, accordingly, dismissed."

22. After a lapse of nearly one year, the present Writ Petitions have been filed. In the overall history of the cases from 1997

to the dismissal of the contempt case, there is no effective positive order granting monetary benefits in favour of the petitioners. While the Writ Petitions were pending, the petitioner acquired higher qualifications, was promoted, and received monetary benefits. While receiving the monetary benefits w.e.f. 01.03.2013, there is no protest by the petitioner. And also the impugned order dated 16.06.2016 reads as follows:

"As directed by the Hon'ble Court, the management has considered your case. Any promotion is subject to availability of vacancies and satisfying the eligibility criteria as per the selections to be conducted by the management. It is to inform you that the direction of the Hon'ble High Court in W.A.No.2361 of 2003 has already been implemented in accordance with law.

And also observed in the same proceedings that, contempt case filed by you and 7 others against the management for implementation order dated 24.12.2013 with payment of arrears and other consequential benefits vide C.C.No.1932 of 2014 was dismissed by the Hon'ble High Court vide its order dated 11.02.2015.

In view of the above, your request for payment of monetary benefits, arrears and all other consequential benefits from 01.09.1988 to 26.01.2015 does not merit for consideration."

23. In view of the observation of the above impugned order, it is made clear that orders of the Divisional Bench of this Court

were implemented, and while all these cases were pending, the petitioner completed higher qualification and received monetary benefits w.e.f. 01.03.2013, without any protest, and while getting the monetary benefits, the present writ petitions have been filed. In view of the petitioner's notional promotion as Junior Engineer (E-1 grade) w.e.f. 01.09.1988 vide proceedings dated 27.01.2015, his prayer for monetary benefits, including arrears with all other consequential benefits, cannot be sustained under legal aspects. Due to the above mentioned development of the petitioner's employment and non-protesting at the time of getting monetary benefits w.e.f. 01.03.2013, and there is no positive order in any of the Writ Petitions which were filed by the petitioners earlier; they are not entitled to monetary benefits as prayed for. In view of the same, these Writ Petitions are liable to be dismissed.

24. Accordingly, all the Writ Petitions are dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Sd/-M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI K.S.V.SUBBA RAO, Advocate [OPUC]
2. One CC to SRI P.SRI HARSHA REDDY, SC FOR SCCL [OPUC]
3. Two CD Copies

PSK.

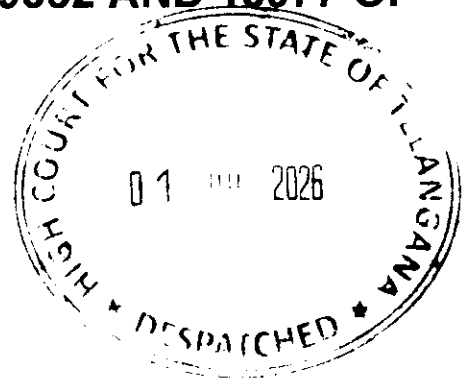


HIGH COURT

DATED: 06/05/2026

COMMON ORDER

**WP.Nos.23812 OF 2016, WP.Nos.9352 AND 13977 OF
2017**



**DISMISSING THE WRIT PETITIONS
WITHOUT COSTS**

(5)

Jpr
01/7/26