

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY SECOND DAY OF APRIL

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

AND

THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

WRIT PETITION NOS: 46477 OF 2022 AND 8431 AND 21277 OF 2023

W.P.No.46477 of 2022

Between:

Sudheer Dornala, S/o. D. Digambar, Indian, Presently working as Divisional Accounts Officer (Works) Grade I O/o. Executive Engineer, National Highways Division (R and B), Hyderabad

Petitioner

AND

1. State of Telangana, Rep. by its Special Chief Secretary to Government, Finance Department, Secretariat Building, Hyderabad.
2. State of Telangana, Rep. by its Principal Secretary Finance Department, Hyderabad
3. State of Telangana, Rep. by Additional Secretary to Government, Finance Department, Hyderabad
4. Director of Works Account, State of Telangana Hyderabad.
5. State of Andhra Pradesh, Rep. by Director of Works Accounts, Ibrahimpatnam
6. P.Mallikarjun Reddy, S/o.Late Mohan Reddy, Occ. DAO(W) Grade - II, O/o.Executive Engineer, GHMC Circle No.4, L.B.Nagar, Hyderabad.
7. E.Naveen Kumar, S/o.Late Sanjeevan Reddy, Occ. DAO(W) Grade-II, O/o.Executive Engineer, RWS Intra Division, Sangareddy.
8. P.Madan Mohan, S/o.P.Satyanarayana, Occ. DAO(W) Grade -II, O/o.Executive Engineer, MC Intra Division, Wanaparthy.
9. G.Satyanarayana, S/o.Ramulu, Occ.DAO(W) Grade -II, O/o.Executive Engineer, Irrigation Division, Bhongir.
10. K.N.V.J.P. Narayana, S/o.K.V.Subba Rao, Occ. DAO(W) Grade-II O/o.Executive Engineer, R and B NH Division, Perkit, Nizarnabad District.
11. P.Mallikarjuna Reddy, S/o.Venkat Reddy, Occ. DAO(W)Grade-II, O/o.Executive Engineer, P R Division, Gadwal.
12. Md.Hasham, S/o.Sardar, Occ. DAO(W) O/o.Executive Engineer, GHMC Circle No.12, Khairtabad.
13. Syed Ziaullah, S/o.Syed Ahmedullah, Occ. DAO(W) Grade -II, O/o.Managing Director, Kaleshwara Project Corporation, Jallasaudha Buildings, Erramunzil, Hyderabad.
14. K.Krishnaiah, S/o.K.Jammanna, Occ. DAO(W) Grade-II, O/o.Executive Engineer, Irrigation Division No.4, Gadwal.

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 or direction one on the nature of Writ of Mandamus declaring

- A. the impugned provisional Seniority List issued by the 4th Respondent herein vide Memo.No.DWA/TS/Hyd/Sn.I/Admn/EC-I/2022-23/280 dated 16-12-2022 as illegal, arbitrary, null, void, unconstitutional and contrary to Telangana State and Sub-ordinate Service Rules and the Works Accounts Service Rules.
- B. the impugned final seniority list issued by the 4th Respondent herein vide Proc. No. DWA/TS/HYD/Sn.I/Admn/EC.I/2022-23/354 dated 16-02-2023 and related Proc.No.DWA/TS/HYD/Sn.I/Admn/EC.I/2022-23/353 dated 16-02-2023, vide which the 4th Respondent rejected the objections raised by the Petitioner and others as illegal, arbitrary, null, void, unconstitutional and contrary to Telangana State and Subordinate Service Rules and Works Accounts Service Rules.
- C. the impugned Memos of the 1st Respondent vide Memo No.264/52/WA/Admn.II/2021 dated 22-10-2022 and the impugned Memo No.264/52/WA/Admn.II/2021 dated 08-04-2022 issued by the 3rd Respondent as illegal, arbitrary, null, void, unconstitutional and contrary to Telangana State and Sub-ordinate Service Rules and the Works Accounts Service Rules;
- D. the impugned final Seniority list issued by the 5th Respondent vide Proceedings No.DWA/VJA/Sn.I/EC-I/2021-22/156 dated 24-01-2022 as illegal, arbitrary, null, void, unconstitutional and contrary to Andhra Pradesh State and Subordinate Service Rules and the Andhra Pradesh Works Accounts Service Rules.

(Prayer is amended as per Court order dt. 24-04-2024 vide I.A.No.1 of 2023 in W.P.No.46477 of 2022)

IA 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 suspend the impugned provisional Seniority List issued by the 4th Respondent herein vide Memo.No.DWA/TS/Hyd/Sn.I/Admn/EC-1/2022-23/280 dated 16-12-2022 pending disposal of WP 46477 of 2022, on the file of the High Court.

IA NO: 2 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 suspend the Memo No.264/52/ WA/ Admn.II/2021 dated 22.10.2022 issued by the 1st Respondent and Memo No. No.264/52/ WA/ Admn.II/ 2021 dated 08.04.2022 issued by the 3rd Respondent, pending disposal of WP 46477 of 2022, on the file of the High Court.

IA NO: 2 OF 2023

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 Proc. No. DWA/TS/Hyd/Sn.I/Admn./EC.1/2022-23 /354 dated 16-02-2023 pending disposal of WP 46477 of 2022, 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 Ms. A SATYASIRI, Advocate for the Petitioner and Ms. Shafia Fatima, learned counsel representing Ms. K. Kiran Mayee, Advocate for the Respondent Nos.2, 6, 7, 8 and 9 and GP for Finance for the Respondent Nos. 1, 3 & 4 and Sri P. Govind Reddy, Spl. GP for AP, for the Respondent No.5.

W.P.No.8431 of 2023:

Between:

N. Harikrishna, s/o Late N. Janardhan, working as Divisional Accounts Officer (W) Grade-I, O/o. Executive Engineer, TSMIDC, Koti, Hyderabad, R/o. Hyderabad.

Petitioner

AND

1. State of Telangana, rep. by its Principal Secretary to Government, Finance (Admn.II) Department, Secretariat, Hyderabad-22
2. The Director of Works Accounts, Telangana State, Hyderabad
3. State of Andhra Pradesh, Represented by its Principal Secretary, Finance Department, Secretariat, Velagapudi, Amaravathi, Guntur District, A.P.
4. The Director of Works Accounts, Government of Andhra Pradesh, C Block, 3rd Floor, Anjaneya Towers, Ibrahimpatnam, Vijayawada,
5. P. Mallikarjun Reddy, s/o Late Mohan Reddy, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, GHMC Circle, No. 4, L.B. Nagar, Hyderabad.
6. E. Naveen Kumar, s/o Late Sanjeevan Reddy, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, RWS Intra Division, Sangareddy.
7. P. Madan Mohan, S/o P.Satynarayana, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, MB Infra Division, Wanaparthy.
8. C. Satyanarayana, s/o Ramulu, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, Irrigation Division No. 11, Bhongir.
9. K. N.V.J.P. Narayana, S/o K.V. Subba Rao, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, R and B NB Division, Perkit, Nizamabad District.
10. P. Mallikarjuna Reddy, S/o. Venkat Reddy, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, PR Division, Gadwal
11. Md. Hasham, S/o. Md. Sardar, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, GHMC Circle No. 12, Khairatabad, Hyderabad.
12. Syed Ziaullah, S/o. Syed Ahmedullah, working as Divisional Accounts Officer (W) Grade-II, O/o. Managing Director, Kaleshwara Project Corporation, Jallasaudha Building, Erramunzil, Hyderabad.

13. K. Krishnaiah, s/o K. Jammanna, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, Irrigation Division No. 4, Gadwal.

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 a Writ of Mandamus declaring the action of the 1st and 2nd Respondents in revising the seniority of Petitioners assigned to them in the seniority list communicated vide Proc. No. DWA/TS/Hyd/Sn-I/Admn./EC-1/2016-17/No. 61 dated 03-06-2016 by rejecting the objections submitted by the Petitioners and further assigning higher seniority to Respondents 5-13 in the feeder category of Divisional Accounts Officer (W) after a lapse of circa six years (6) years vide impugned Proc. No. DWA/TS/HYD/Sn. I/Admn/EC. 1/2022-23/353 dated 16-02-2023 and Proc. No. DWA/TS/HYD/Sn. I/Admn/EC. 1/2022-23/354 dated 16-02-2023 issued by the 2nd Respondent and the related Proceedings No. DWA/Hyd/Sn.I/EC.I/2014-15/23 dated 16-05-2014 issued by the 4th Respondent pursuant to the revision of seniority effected in State of Andhra Pradesh vide Proceedings No. DWA/VJA/Sn-I/EC-1/2021-22/156 dated 24-01-2022 and Lr. No. DWA/VJA/Sn-I/EC-1/2021-22/244 dated 08-03-2022 issued by the 4th Respondent that too, after promotion and declaration of probation of the Petitioner in the promoted category as being arbitrary, illegal, hit by delay, laches and limitation prescribed in Rule 26 of the T.S. State and Subordinate Service Rules, contrary to the ratio prescribed in Rule 3 of Works Accounts Service Special Rules, 1998 and the NOTE.2 appended thereto and provisions of Rule 4 of T.S. State and Subordinate Service Rules, 1996 and in violation of Articles 14 and 16 of the Constitution of India in the interest of justice and set-aside the same accordingly and further be pleased to hold that the Petitioners are entitled to be treated as seniors to Respondents 5 to 13 with benefits incidental thereto as per the seniority list dated 03-06-2016 issued by 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 petition, the High Court may be pleased to stay all further proceedings pursuant to impugned orders issued vide Proc. No. DWA/TS/HYD/Sn. I/Admn/EC. 1/2022-23/353 dated 16-02-2023 and Proc. No. DWA/TS/HYD/Sn. I/Admn/EC. 1/2022-23/354 dated 16-02-2023 issued by the 2nd Respondent in so far as assigning seniority to Respondents 5 to 13 in the category of Divisional Accounts Officer (W) Grade-II, Pending disposal of WP 8431 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 upon hearing the arguments of Ms. A. Satyasiri, Advocate for the Petitioner and GP for Finance for the Respondent NOs.1 & 2 and Sri P. Govind Reddy, GP for AP for the Respondent Nos.3 & 4 and Ms. Shafia Fatima, learned counsel representing Ms. K. Kiran Mayee, Advocate for the Respondent Nos.5, 6 and 8.

W.P.No.21277 of 2023:

Between:

Sudheer Dornala, S/o.Digambar, Indian, presently working as Divisional Accounts Officer (Works), Grade I, O/o. Executive Engineer, National Highways Division (R and B), Hyderabad.

Petitioner

AND

1. State of Telangana, Rep. by its Special Chief Secretary to Government, Finance Department, Secretariat Building, Hyderabad.
2. The Director of Works Accounts, State of Telangana, Hyderabad.
3. State of Telangana, Rep. by its Principal Secretary, Finance Department, Hyderabad.
4. State of Telangana, Rep. by Additional Secretary to Government, Finance Department, Hyderabad
5. State of Andhra Pradesh, Rep. by its Director of Works Accounts, Ibrahimpatnam.
6. Director of Works Accounts, Ibrahimpatnam, State of Andhra Pradesh.
7. K.Ramakrishna Reddy, Occ. APO, O/o.Executive Engineer, GHMC Circle No.4, L.B.Nagar, Hyderabad.
8. G.Mallikarjuna Sarma, Occ. O/o.Executive Engineer, Prokect Division, West Zone-I, GHMC Head Office, Tank Bund, Hyderabad.
9. K.Maheswara Reddy, Occ. DAO(W) Grade -II, O/o. Executive Engineer, Assembly Buildings Division, Basheerbagh.
10. Mohammed Mohiuddien, Occ. DAO(W) Grade- I, O/o. Executive Engineer, Central Buildings Division, R and B Complex, AC Guards, Hyderabad.
11. Ch.Laxmi Narayana, Occ. DAO(W) Grade -I, O/o. Executive Engineer, Irrigation Division I, Hyderabad.

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 issue a Writ or Direction more particularly one in the nature of Writ of mandamus declaring the Impugned Memo No.015114- C/303/WA-II/2013 dated 03/05/2014 issued by the Finance(Wa-II) Department, Government of Andhra Pradesh as illegal, arbitrary, null, void, unconstitutional and contrary to Telangana State and Sub-ordinate Service Rules and the Works Accounts Service Rules and consequently direct the Respondents to revise the seniority list as per the Telangana State and Sub-ordinate Service Rules and the Works Accounts Service Rules.

IA NO: 1 OF 2023

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 suspend the impugned Memo No.015114-C/303/WA-II/2013 dated 03/05/2014 pending disposal of WP 21277 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 upon hearing the arguments of Ms. A SATYASIRI, Advocate for the Petitioner and GP FOR SERVICES I for the

Respondent Nos.1 to 4 and Sri P. Govind Reddy, Spl. GP for AP for the Respondent Nos. 5 and 6, the Court made the following

ORDER:

Rule nisi. Call for records.

Notice returnable in four weeks.

Pleadings are complete.

Let the matter now be listed for hearing on 24-06-2025.

However, pending adjudication of the writ petitions, it has been informed that the respondents have not proceeded further to initiate the promotion process for filling up the post of Assistant Pay and Accounts Officer and in the event if the promotions are given, the rights of the petitioners would get adversely affected as they are seniors in terms of the seniority list that was finalized in the year 2016.

Given the said facts, let status quo, as it exists today by the State of Telangana insofar as the promotion process for filling up the post of Assistant Pay and Accounts Officer, be maintained till the next date of hearing.

//TRUE COPY//

SD/-MD.ISMAIL
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Special Chief Secretary to Government, Finance Department, State of Telangana, Secretariat Building, Hyderabad.
2. The Principal Secretary Finance Department, State of Telangana, Hyderabad
3. The Additional Secretary to Government, Finance Department, State of Telangana, Hyderabad
4. Director of Works Account, State of Telangana Hyderabad.
5. The Director of Works Accounts, State of Andhra Pradesh, Ibrahimpatnam
6. P.Mallikarjun Reddy, S/o.Late Mohan Reddy, Occ. DAO(W) Grade - II, O/o. Executive Engineer, GHMC Circle No.4, L.B.Nagar, Hyderabad.
7. E.Naveen Kumar, S/o.Late Sanjeevan Reddy, Occ. DAO(W) Grade-II, O/o. Executive Engineer, RWS Intra Division, Sangareddy.
8. P.Madan Mohan, S/o.P.Satyanarayana, Occ. DAO(W) Grade -II, O/o. Executive Engineer, MC Intra Division, Wanaparthy.
9. G.Satyanarayana, S/o.Ramulu, Occ.DAO(W) Grade -II, O/o. Executive Engineer, Irrigation Division, Bhongir.
10. K.N.V.J.P. Narayana, S/o.K.V.Subba Rao, Occ. DAO(W) Grade-IL O/ o.Executive Engineer, R and B NH Division, Perkit, Nizamabad District.
11. P.Mallikarjuna Reddy, S/o. Venkat Reddy, Occ. DAO(W)Grade-II, O/o.Executive Engineer, P R Division, Gadwal.
12. Md.Hasham, S/o.Sardar, Occ. DAO(W) O/o. Executive Engineer, GHMC Circle No.12, Khairtabad.

13. Syed Ziaullah, S/o. Syed Ahmedullah, Occ. DAO(W) Grade -II, O/o. Managing Director, Kaleshwara Project Corporation, Jallasaudha Buildings, Erramunzil, Hyderabad.
14. K. Krishnaiah, S/o. K. Jammanna, Occ. DAO(W) Grade-II, O/o. Executive Engineer, Irrigation Division No.4, Gadwal.
15. The Principal Secretary to Government, Finance (Admn.II) Department, State of Telangana, Secretariat, Hyderabad-22
16. The Director of Works Accounts, Telangana State, Hyderabad
17. The Principal Secretary, Finance Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District, A.P.
18. The Director of Works Accounts, Government of Andhra Pradesh, C Block, 3rd Floor, Anjaneya Towers, Ibrahimpatnam, Vijayawada,
19. P. Mallikarjun Reddy, s/o Late Mohan Reddy, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, GHMC Circle, No. 4, L.B. Nagar, Hyderabad.
20. E. Naveen Kumar, s/o Late Sanjeevan Reddy, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, RWS Intra Division, Sangareddy.
21. P. Madan Mohan, S/o P. Satynarayana, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, MB Infra Division, Wanaparthy.
22. C. Satyanarayana, s/o Ramulu, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, Irrigation Division No. 11, Bhongir.
23. K. N.V.J.P. Narayana, S/o K.V. Subba Rao, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, R and B NB Division, Perkit, Nizamabad District.
24. P. Mallikarjuna Reddy, S/o. Venkat Reddy, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, PR Division, Gadwal
25. Md. Hasham, S/o. Md. Sardar, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, GHMC Circle No. 12, Khairatabad, Hyderabad.
26. Syed Ziaullah, S/o. Syed Ahmedullah, working as Divisional Accounts Officer (W) Grade-II, O/o. Managing Director, Kaleshwara Project Corporation, Jallasaudha Building, Erramunzil, Hyderabad.
27. K. Krishnaiah, s/o K. Jammanna, working as Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, Irrigation Division No. 4, Gadwal
28. K. Ramakrishna Reddy, Occ. APO, O/o. Executive Engineer, GHMC Circle No.4, L.B. Nagar, Hyderabad.
29. G. Mallikarjuna Sarma, Occ. O/o. Executive Engineer, Prokect Division, West Zone-I, GHMC Head Office, Tank Bund, Hyderabad.
30. K. Maheswara Reddy, Occ. DAO(W) Grade -II, O/o. Executive Engineer, Assembly Buildings Division, Basheerbagh.
31. Mohammed Mohiuddien, Occ. DAO(W) Grade- I, O/o. Executive Engineer, Central Buildings Division, R and B Complex, AC Guards, Hyderabad.
32. Ch. Laxmi Narayana, Occ. DAO(W) Grade -I, O/o. Executive Engineer, Irrigation Division I, Hyderabad (1 to 32 BY RPAD)
33. One CC to Ms. A SATYASIRI Advocate [OPUC]
34. One CC to Sri P. Govind Reddy, Spl. GP for Andhra Pradesh, High Court at Hyderabad. (OUT)
35. Two CCS to GP for Services-I, High Court at Hyderabad. (OUT)
36. Two spare copies

HIGH COURT

PSKJ & NNRJ

DATED:22/04/2025

Let the matter now be listed for hearing on 24-06-2025

ORDER

WP.Nos.46477 of 2022, 8431 & 21277 of 2023



DIRECTION