

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 25331 of 2004

Between:

1. R. Manohar Rao S/o.R.Ramachander Rao
H.No.1-9-5/1,Dwarakapuram Colony, Behind Bus Depot, Dilsukhanagar,
Hyderabad.
2. Ch. Rangaiah S/o.Kistaiah

H.No.12-128,Near Welfare Centre, P&T Colony,Saroornagar,
Hyderabad.
3. A. Appa Rao S/o.Seetharamaiah
H. No.MIG 215,Huda Colony, Near St.Annes College,Mehdipatnam,
Hyderabad.
4. S. Danaiah S/o.Bhushaiah
No.C-680,NGO's Colony, Vanasthalipuram,
Hyderabad.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh rep by its Chief Secretary
Secretariat,Hyderabad.
2. The Government of Andhra Pradesh rep by its Chief Secretary
Secretariat,Hyderabad.
3. D.Rama Rao S/o.D.Veerabhadra Rao
Municipal Administration Dept, Secretariat,
Hyderabad.
4. B.Sivanandam S/o.B.Vishwanadham
T,R&B Department, Hyderabad.
5. Khaja Moinuddin Khan S/o.late Rasool Khan
Panchayat Raj &Rural Development Department,Hyderabad.

- 6 B.S.Somayajulu S/o.late Venkattapaiah
Forest Department,Andhra Pradesh, Hyderabad.
- 7 R.Ganga D/o.late Sri N.S.Ramachandram
- 8 K.Appalanarasimham S/o.Papaiah
- 9 T. Yallamanda S/o.Ramaiah
- 10 Smt. V. Nagakumari W/o.late V.Chinnabbai
- 11 K.Radhakrishnamurthy S/o.late K.K.Raju
- 12 V.Parthasarathy S/o.late V.N.Naidu
- 13 V.Sundara Rao S/o.late V.V.Narayana Rao
- 14 Y.Ramam S/.Y.Brahmanna
- 15 B.Sivaiah S/o.B.Ammanna
- 16 Smt.H.Nagalakshmi W/o.H.Rama Mohan
- 17 P.C.V Satyanarayana S/o.Pavani
- 18 D.Aswatha Narayana S/o.D.Rangaswamy
- 19 D.Jagga Rao S/o.D.Kesava Rao
- 20 Ch.Pullaiiah S/o.Ch.Narasimham
- 21 KSRK Harinadha Babu S/o.K.Venkatanarayana

(Respondents Nos.3 to 21 are not necessary parties
in this writ petition)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of "Certiorari" calling for the records relating to order dt 21-11-2003 passed in OA No.4072/93 by the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and set aside the same as unjust, without any basis and contrary to the judicial precedents and further direct the official respondents to fix the seniority of the petitioners in terms of Rule5(1) and 7 of Special Rules relating to the Section Officers in the secretariat and accord notional benefits and consequential benefits in the interest of justice and pass such other order or orders.

Counsel for the Petitioner: MR.M.RATNA REDDY

Counsel for the Respondents1 & 2: GP FOR SERVICES II

The Court at the admission stage made the following:

ORAL ORDER: (Per Hon'ble Sri Justice G. Bikshapathy)

The writ petition is filed assailing the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.4072 of 1993 seeking the following reliefs:

**To call for the records relating to the seniority of Section Officers in
Departments of Secretariat constituting Single Unit dated 31.08.1990 and**

G.O.Ms.No.607, GAD, Dated 6.11.1992 and set aside the same as null and void and consequently direct the respondents to fix the seniority of the applicants in terms of Rule 5(1) of the special rules relating to the Section Officers in Secretariat Departments constituting Single Unit with all consequential benefits.

The Tribunal dismissed the said O.A. as follows:

There are 21 applicants in this I.A. Except applicant Nos.2, 14 and 21 others have retired from service. Party-respondents are 19 in number. The applicants are questioning the seniority assigned to the party-respondents with reference to G.O.Ms.No.607, GAD, dated 6.11.1992.

The validity of G.O.Ms.No.607 GAD, Dated 6.11.1992 was already decided on 1.12.1998 in O.A.No.22/93 & batch dated 1.12.1998 upholding the validity of the G.O. by a Division Bench of this Tribunal. As the seniority list was prepared in accordance with G.O.Ms.No.607, GAD, Dated 6.11.1992, the O.A. is dismissed as devoid of merits.”

2. The learned counsel for the petitioner submits that G.O.Ms.No.607 GAD, dated 6.11.1992 is not applicable to this case and Rule 5 (1) of Special Rules have to be invoked for fixing the seniority, therefore, the Tribunal has not properly considered the same and it requires re-consideration by the Tribunal.

3. We have heard the learned counsel for the petitioner.

4. We find that the matter requires re-consideration in the hands of the Tribunal. As the contention of the petitioner has not been properly appreciated, it would be appropriate to remit back the matter to the Tribunal for re-consideration. Therefore, the order passed by the Tribunal is set aside.

5. Accordingly, the writ petition is allowed and the matter is remitted back to the Tribunal for re-consideration. No costs.

(G. BIKSHAPATHY, J)

(P.S. NARAYANA, J)

Date: 02.03.2005

Ksn

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Chief Secretary, Government of Andhra Pradesh Secretariat, Hyderabad.
2. The Chief Secretary, Government of Andhra Pradesh Secretariat, Hyderabad.
3. 2 CCs to G.P. for Services-II, High Court Buildings, Hyderabad (OUT).

4. The Registrar, A.P. Administrative Tribunal, Hyderabad.

5 2 CD copies

6. 1 CC to MR.RATNA REDDY

Form-NIC-OGS/WP{MVK}