

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

FRIDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 15268 OF 2024

Between:

P. Suresh, S/o. Balaiah, Age. about 63 years, Retd Statistical Officer, O/o. Directorate of Economics and Statistics, Telangana State, Khairtabad, Hyderabad. R/o. H.No. 7-1-304/D, B.K.Guda, Balaiah Nagar, Sanjeevareddy Nagar, Hyderabad. 500038.

...PETITIONER

AND

1. The Director, Directorate of Economics and Statistics, Telangana State, Khairtabad, Hyderabad
2. The State of Telangana, rept. by its Principal Secretary, Planning Department, (previously it was Finance and Planning Department), B.R.Ambedkar Secretariat, Hyderabad.
3. The State of Telangana, rept. by its Principal Secretary, Industries and Commerce Department., B.R.Ambedkar Secretariat, 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 to issue an order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not implementing the order of the Hon'ble A.P. Administrative Tribunal in O.A.No. 7210 of 2011, dt. 31.10.2012, though it was upheld by the Hon'ble Court by order dt. 26.7.2023 in W.P.No.7524/2013, as illegal, arbitrary, unjust, unfair and contrary to the law, apart from violation of constitutional provisions and consequently direct the respondents herein to implement the orders dt. 31.10.2012 in O.A.No. 7210/2011 of the Hon'ble A.P. Administrative Tribunal i.e. i) seniority in the cadre of Superintendent w.e.f. 3.5.1993. ii) promotion to the next higher cadre of Statistical Officer from the date on which a person who have been promoted as Superintendent on or after 3.5.1993, iii) Based on it, my seniority in the cadre of Statistical Officer is required to be fixed from the date on which my immediate junior in the cadre of Superintendent was promoted as Statistical Officer, iv)

further promotion to the next higher posts i.e. Assistant Director and Deputy Director, based on the seniority to be given in the cadres of Statistical Officer and Assistant Director with all pay fixations in the revised pay scales issued from time to time and arrears of pay etc.

IA NO: 1 OF 2024

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 herein to implement the orders dt. 31.10.2012 in O.A.No. 7210/2011 of the Hon'ble A.P. Administrative Tribunal, which was upheld by this Hon'ble Court by its Judgment dt. 26.7.2023 in W.P.No. 7524 of 2013 pending disposal of writ petition.

Counsel for the Petitioner: SRI C. SAI REDDY

Counsel for the Respondents: GP FOR SERVICES

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.15268 OF 2024

ORDER:

With the consent of both the parties, this writ petition is being disposed of, at the admission stage.

2. The writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

"to issue an order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not implementing the order of the Hon'ble A.P Administrative Tribunal in O.A.No.7210 of 2011 dated 31.10.2012, though it was upheld by the Hon'ble Court by order dated 26.7.2023 in W.P.No.7524 of 2013, as illegal, arbitrary, unjust, unfair and contrary to the law apart from violation of constitutional provisions and consequently direct the respondents herein to implement the orders dated 31.10.2012 in O.A.No.7210 of 2011 of the Hon'ble A.P. Administrative Tribunal i.e. i) seniority in the cadre of Superintendent w.e.f. 3.5.1993 ii) promotion to the next higher cadre of Statistical Officer from the date on which a person who have been promoted as Superintendent on or after 3.5.1993 iii) Based on it, my seniority in the cadre of Statistical Officer is required to be fixed from the date on which my immediate junior in the cadre of Superintendent was promoted as Statistical Officer iv) further promotion to the next higher posts i.e. Assistant Director and Deputy Director based on the seniority to be given in the cadres of Statistical Officer and Assistant Director with all pay fixations in the revised pay scales issued from time to time and arrears of pay etc and to pass such other order or orders".

3. Heard Sri C. Sai Reddy, learned counsel for the petitioner and learned Government Pleader appearing for respondents.

4. Learned counsel for the petitioner submits that the petitioner was appointed as Junior Assistant in erstwhile Hyderabad Allwyn Limited (HAL) in the year 11.08.1983 and later he got promoted as

Supervisor (Commercial). While things stood thus, on 03.05.1993, the petitioner was re-deployed in the 1st respondent Department and while working in the said department, the Government issued orders in G.O.Ms.No.77, dated 26.02.2009 stating that redeployed employees of HAL in various departments of State Government have been treated as regular State Government employees and directed all the authorities concerned to absorb them into equivalent categories w.e.f. 3.5.1993 with all consequential benefits of seniority, promotion, pay scales, etc. Petitioner was absorbed as Junior Assistant, being aggrieved by the same, he approached A.P. Administrative Tribunal by way of O.A.No.7210 of 2011 and the Tribunal, after hearing the matter, passed the following order on 31.10.2012:

“Respondent No.1 is directed to consider the case of the applicant for absorption in the equivalent post of Superintendent with effect from 03.05.1993 and complete the process of regularization with all consequential benefits such as seniority, promotion etc., with effect from 03.05.1993 in accordance with the guidelines laid down in G.O.Ms.No.77 dated 26.02.2009.”

5. The learned counsel for the petitioner submits that the Government, being aggrieved by the said order, filed W.P.No.7524 of 2013 and the Division Bench of this Court dismissed the said writ petition vide order dated 26.7.2023. Learned counsel, therefore, submits in view of dismissal of the said writ petition, the order passed by the Administrative Tribunal dated 31.10.2012 has

attained finality and in view of the order of the Administrative Tribunal, petitioner is entitled for absorption into equivalent post of Superintendent with effect from 3.5.1993 with all consequential benefits, such as, seniority in the cadre of Superintendent, promotion to the next higher posts on par with his juniors. The learned counsel further submits that petitioner had retired from service on attaining the age of superannuation on 30.6.2018 and his pension is required to be revised from 1.7.2018. In this regard, petitioner made several representations to the respondents on 15.4.2024 and 4.6.2024 seeking to implement the orders of the Administrative Tribunal.

6. Though no counter affidavit has been filed by the respondents, the learned Government Pleader for Services submits that the respondents will consider the representations submitted by the petitioner.

7. Having regard to the facts and circumstances of the case and in view of the fact that the order of the Tribunal has attained finality as the Division Bench of this Court dismissed the writ petition filed by respondents, this Court is of the view that the respondents shall have to implement the orders of the Tribunal.

8. In view of the above, the writ petition is disposed of directing the respondents to implement the order dated 31.10.2012 in O.A.No.7210 of 2011 -passed by the A.P. Administrative Tribunal, Hyderabad, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of this order and communicate the copy thereof to the petitioner. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

**SD/-N. SRIHARI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Director, Directorate of Economics and Statistics, Telangana State, Khairtabad, Hyderabad
2. The Principal Secretary, Planning Department, The State of Telangana, (previously it was Finance and Planning Department), B.R.Ambedkar Secretariat, Hyderabad.
3. The Principal Secretary, Industries and Commerce Department, The State of Telangana, B.R.Ambedkar Secretariat, Hyderabad.
4. One CC to SRI C. SAI REDDY, Advocate [OPUG]
5. Two CCs to GP FOR SERVICES, High Court for the State of Telangana. [OUT]
6. Two CD Copies

BN

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HIGH COURT

DATED:28/06/2024

ORDER

WP.No.15268 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

*TO
REMS
8/07/2024*