

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

HONOURABLE SRI JUSTICE G.NARENDAR
AND

HONOURABLE SRI JUSTICE T.C.D.SEKHAR
WRIT APPEAL NOS: 309, 310, 311 AND 312 OF 2023



WRIT APPEAL NO: 309 OF 2023

(Writ Appeal under clause 15 of the Letter Patent is filed being aggrieved by the Order dated 14.11.2022 made in W.P.No.20082 of 2019)

Between:

1. Maddi Venkanna, S/o Sir. M. Dasaradha Ramaiah, Aged 51 years, Occ: Assistant Executive Engineer, O/o Deputy Executive Engineer, PR(PIU), Sub Division, ZP Compound, Machilipatnam, Krishna District.
2. Kunche Ravi Kumar, S/o Sri Appa Rao, Aged 49 years, Occ: Assistant Executive, O/o Executive Engineer, PRI Division, Vijayawada, Krishna District

APPELLANTS/RESPONDENT Nos.3&4

AND

1. A. Ram Babu, S/o Late A Satyanarayana, Aged about 46 years, Assistant Engineer, PIU Sub-Division, Amalapuram, R/o Velampalem, Ramachandrapuram Mandal, East Godavari District.

RESPONDENT/WRIT PETITIONER

2. The State of Andhra Pradesh, Rep by its Principal Secretary to Government, Panchayat Raj & Rural Development, Secretariat, Velagapudi, Amaravati, Guntur District, A.P
3. The Engineer-in-Chief, Panchayat Raj, Engineering Department, ZPP Office Compound, Opp PWD Grounds, M.G Road, Vijayawada, A.P

RESPONDENT/RESPONDENT Nos.1&2

IA NO.2 OF 2023:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the operation of order dated 14.11.2022 passed in WP.No.20082 of 2019, Pending disposal of WA No. 309 of 2023, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri N ASHWANI KUMAR, Advocate for the Appellants and of Sri M. VIJAY KUMAR, Advocate for the Respondent No.1, GP FOR PANCHAYAT RAJ & RURAL DEV for the Respondent Nos.2&3

WRIT APPEAL NO: 310 OF 2023

(Writ Appeal under clause 15 of the Letter Patent is filed being aggrieved by the Order dated 14.11.2022 made in W.P.No.20063 of 2019)

Between:

1. S. Chaitanya Kumar, Aged 52 years, S/o Late Sri S. Radhakrishnaiah
Occ: Deputy executive engineer, PRI Sub division, Nayudupeta, SPSR
Nellore District, Andhra Pradesh.
2. N. V. Subba Reddy, Aged 50 years, S/o Sri N Subba Reddy Occ:
Assistant Executive Engineer, PR PIU Sub Division, Udayagiri, SPSR
Nellore, District, A P.

APPELLANTS/RESPONDENT Nos.3&4

AND

1. Ch. Mani Kumar, S/o Ch. Malakondaiah, Aged about 45 years, Deputy
Executive Engineer PR PIU, Sub-Division, Venkatagiri, R/o Janathapet,
North Kavali, SPSR Nellore District.

RESPONDENT/WRIT PETITIONER

2. The State of Andhra Pradesh, Rep by its Principal Secretary to
Government, Panchayat Raj & Rural Development, Secretariat,
Velagapudi, Amaravati, Guntur District, A.P

3. The Engineer-in-Chief, Panchayat Raj, Engineering Department, ZPP
Office Compound, Opp PWD Grounds, M.G Road, Vijayawada, A.P

RESPONDENTS/RESPONDENTS Nos.1&2

IA NO.2 OF 2023:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the operation of order dated 14.11.2022 passed in WP.No.20063 of 2019, Pending disposal of WA No. 310 of 2023, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri N ASHWANI KUMAR, Advocate for the Appellants and of Sri M. VIJAY KUMAR, Advocate for the Respondent No.1, GP FOR PANCHAYAT RAJ & RURAL DEV for the Respondent Nos.2&3

WRIT APPEAL NO: 311 OF 2023

(Writ Appeal under clause 15 of the Letter Patent is filed being aggrieved by the Order dated 14.11.2022 made in W.P.No.20062 of 2019)

Between:

1. H.D. Eranna, S/o.Sri H.D.Rangamuni, Aged about 53 years, Occ: Deputy Executive Engineer, PR R/o H.No.76/97-VTP-250 Vishnu Township, Near Auto Nagar, Kurnool-518302.
2. S. Chinna Erra Maddanna, Aged about 53 years, S/o S Erra Balanna, Occ: Deputy Executive Engineer PR, RWS Sub Division, PR Atmakur, Kurnool, R/o H No.46/1N/15AS, Aditya Nagar, A Camp, Kurnool.
3. K.S.R.Mohan Rao, Aged about 50 years, S/o Sri K Krishna Murthy Rao, Occ: Deputy Executive Engineer, DWMA Kurnool, R/o Flat No.402, Srinivasam Apartments, Road No.1, Venkataramana Colony, Kurnool.

4. K. Mallikarjuna, Aged 48 years, S/o Sri K Verabharappa, Occ: Assistant Executive Engineer, RWS Sub Division, Kadiri, Anantapur, R/o Flat No.301, Elluri Enclaves, Prakash Nagar, Kurnool.

APPELLANTS/RESPONDENT Nos.3 to 6

AND

1. S. Anitha, W/o J. HanumanthaRao, Aged about 44 years, Occ: Deputy Executive Engineer, O/o.Superintending Engineer PR Circle, R/o D No 27685, Janakarapalle, Chittoor, A.P.

RESPONDENT/WRIT PETITIONER

2. The State of Andhra Pradesh, Rep by its Principal Secretary to Government, Panchayat Raj & Rural Development, Secretariat, Velagapudi, Amaravati, Guntur District, A.P
3. The Engineer-in-Chief, Panchayat Raj, Engineering Department, ZPP Office Compound, Opp PWD Grounds, M.G Road, Vijayawada, A.P

RESPONDENTS/RESPONDENTS Nos.1&2

IA NO.2 OF 2023:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the operation of order dated 14.11.2022 passed in WP.No.20062 of 2022, Pending disposal of WA No. 311 of 2023, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri N ASHWANI KUMAR, Advocate for the Appellants and of Sri M. VIJAY KUMAR, Advocate for the Respondent No.1, GP FOR PANCHAYAT RAJ & RURAL DEV for the Respondent Nos.2&3

WRIT APPEAL NO: 312 OF 2023

(Writ Appeal under clause 15 of the Letter Patent is filed being aggrieved by the Order dated 14.11.20224 made in W.P.No.20064 of 2019)

Between:

1. Ch. Nagarjuna, Aged 50 years, S/o Sri Ch. Chinna Nagaiah, Occ: Deputy Executive Engineer R/o SPS Apoorva Nilayam, Ashramam Road, Tadepalli, Guntur.
2. K. Krishna Mohan, Aged 46 years, S/o Sri K Madan Mohan Occ: Assistant Executive Engineer, R/o Flat No 201, Sravya Residency, NGO Colony, 1st lane, Ongole, Prakasam District.

APPELLANTS/RESPONDENT Nos.3&4

AND

1. P. Sumana, W/o J.V. Sreedhar, Aged about 46 years, working as Deputy Executive Engineer, O/o Superintending Engineer, Panchayat Raj Circle, Nellore R/o Nellore.

RESPONDENT/WRIT PETITIONER

2. The State of Andhra Pradesh, Rep by its Principal Secretary to Government, Panchayat Raj & Rural Development, Secretariat, Velagapudi, Amaravati, Guntur District, A.P
3. The Engineer-in-Chief, Panchayat Raj, Engineering Department, ZPP Office Compound, Opp PWD Grounds, M.G Road, Vijayawada, A.P

RESPONDENTS/RESPONDENT Nos.1&2

IA NO.2 OF 2023:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the operation of order dated 14.11.2022 passed in WP.No.20064 of 2019, Pending disposal of WA No. 312 of 2023, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri N ASHWANI KUMAR, Advocate for the Appellants and of Sri M. VIJAY KUMAR, Advocate for the Respondent No.1, GP FOR PANCHAYAT RAJ & RURAL DEV for the Respondent Nos.2&3 and the Court made the following;

ORDER:

“Heard learned counsel for the Appellants, Sri Vijay Kumar, learned Senior Counsel for the private respondent No.1 and Sri Raju, learned Government Pleader for the official respondent Nos.2 and 3.

Having perused the categories of posts and method of appointment in the A.P. Panchayati Raj and Rural Development Engineering Service Rules, we find that certain clarity is required to be provided by the Department. Hence, we direct the 2nd respondent-the Principal Secretary, Panchayat Raj and Rural Development, to clarify Note-1 with reference to Note-3 and annexure relating to class & category, method of appointment and qualification.

Note-3 for instance says that the Assistant Engineer/Draughtsman, Special Grade/ Draughtsman Grade-I who acquired BE/B.Tech or equivalent qualification thereto while in service or earlier are entitled for consideration for appointment by transfer to the category of Deputy Executive Engineers, at every 9th position in a cycle of 36 vacancies. On perusal of Note-1, it is seen that every 4th vacancy is a quota reserved for appointment by way of transfer. That apart, 32nd vacancy appears to be reserved specifically for appointment of Special Grade Draughtsman/ Draughtsman Grade-I from a combined seniority list with reference to the date of their appointment as Draughtsman Grade-I. As to why the 32nd vacancy is reserved for Special Grade and Grade-I Draughtsman

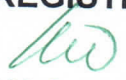
has not been found under the Rules. That apart, the reservation of every 4th vacancy at the ratio of 3:1 in favour of those who came to be appointed by way of promotion also *prima facie* appears to be contrary to the Note-3 which states that they shall provide every 9th vacancy in the cycle of 36 vacancies. If that is so, then they would be entitled to only four vacancies. On the contrary, 9 vacancies are reserved in favour of those who came appointed by way of promotion.

The 2nd respondent-the Principal Secretary, Panchayat Raj and Rural Development shall file an affidavit clarifying the position. Affidavit shall positively be filed by the next date of hearing, failing which the 2nd respondent-the Principal Secretary, Panchayat Raj and Rural Development, shall be present before this Court.

List on 20.11.2024.

Copy of the order be furnished to learned Government Pleader for Services-I."

//TRUE COPY//

Sd/-B.CHITTI JOSEPH
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary to Government, State of Andhra Pradesh, Panchayat Raj & Rural Development, Secretariat, Velagapudi, Amaravati, Guntur District, A.P. (BY SPECIAL MESSENGER)

2. A. Ram Babu, S/o Late A Satyanarayana, Aged about 46 years, Assistant Engineer, PIU Sub-Division, Amalapuram, R/o Velampalem, Ramachandrapuram Mandal, East Godavari District.
3. The Engineer-in-Chief, Panchayat Raj, Engineering Department, ZPP Office Compound, Opp PWD Grounds, M.G Road, Vijayawada, A.P
4. Ch. Mani Kumar, S/o Ch. Malakondaiah, Aged about 45 years, Deputy Executive Engineer PR PIU, Sub-Division, Venkatagiri, R/o Janathapet, North Kavali, SPSR Nellore District.
5. S. Anitha, W/o J. HanumanthaRao, Aged about 44 years, Occ: Deputy Executive Engineer, O/o.Superintending Engineer PR Circle, R/o D No 27685, Janakarapalle, Chittoor, A.P.
6. P. Sumana, W/o J.V. Sreedhar, Aged about 46 years, working as Deputy Executive Engineer, O/o Superintending Engineer, Panchayat Raj Circle, Nellore R/o Nellore. (Addressee Nos.2 to 6 by SPEED POST)
7. One CC to SRI. N ASHWANI KUMAR Advocate [OPUC]
8. One CC to SRI. M. VIJAYA KUMAR, STANDING COUNSEL [OPUC]
9. One CC to SRI. MANOJ KUMAR BETHAPUDI Advocate [OPUC]
10. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV, High Court Of Andhra Pradesh. [OUT]
11. Two CCs to GP FOR SERVICES-I, High Court of Andhra Pradesh [OUT]
12. Two spare copies

Kj

HIGH COURT

GN,J &
TCDS,J

DATED:14/11/2024

LIST ON 20.11.2024

ORDER

WRIT APPEAL NOs: 309, 310, 311 AND 312 OF 2023

DIRECTION

