



**TRANSMISSION CORPORATION OF ANDHRA PRADESH LIMITED**  
(A Govt. of Andhra Pradesh Undertaking)  
VIDYUT SOUDHA :: VIJAYAWADA - 520004.

CIN:31909AP1998SGC107226:: website address [www.aptransco.co.in](http://www.aptransco.co.in)

From  
Additional Secretary,  
APTRANSCO, Vidyut Soudha,  
Vijayawada.

To  
All HoDs in Vidyut Soudha  
All Chief Engineer/Zones  
All Superintending Engineers  
All Unions/ APTRANSCO  
All Employee Associations/ APTRANSCO

Lr.No.Addl.Secy/DS(E,IR&Reg)/AS(E,IR&Reg)PO(Reg)/F.39011/2017,dt.23.09.2024.

Sir,

Sub: APTRANSCO – Regulations – Orders issued by Hon'ble High Court in WA.No.657 of 2024 – Communication of orders to all Unions & Associations - Reg.

- Ref: 1. GO.Ms.No.5 , Social Welfare (ROR) Department, dt.14.2.2003 adopted by APTransco in TOO [GM(IR)-Per] Ms.No.320 , dt.17.3.2003  
2. GO.Ms.No.21 ,Social Welfare (ROR.1) Department, dt.18.03.2003, by APTranso in TOO (GM (IR)-Per)Ms.No.324, dt.25.3.2003.  
3. GO.Ms.No.02 ,Social Welfare (ROR) Department, dt.09.01.2004,adopted by APTranso in TOO (CGM (HRD & Trg)-Per) Ms.No.246, dt.23.01.2004  
4. GO.Ms.No.26 , Social Welfare (ROR1) Department, dt.20.02.2009 adopted by APTranso in TOO (Addl.Secy-Per) Ms.No.96, dt.25.7.2009  
5. Common Order dt.11.12.2018 passed by the Hon'ble Division Bench of High Court of Judicature at Hyderabad for the States of A.P and Telangana in WP Nos.4415, 4807, 40975, 41739 and 4305 of 2016 and WP No.2842 of 2017.  
6. Circular Memo No.SOWO1-STMT0COUM/5/CV.ROR/2020, dt:18-03-2020, issued by Social Welfare (CV.ROR) Department.  
7. Judgment dt:28.11.2023 passed by the Hon'ble High Court of Andhra Pradesh at Amaravati in W.P.No.39011 of 2017.  
8. Representation dated 10.01.2024 . received from Electricity OC employees Welfare Association (Regd.No.1088/2008) A.P.  
9. G.O.Rt.No.282, General Administration (SC.F) Department,dt:06.02.2024.  
10. APPCC Meeting Minutes , Dt:13.03.2024.  
11. T.O.O.(Addl.Secy-Per) Ms.No.3239,Dt: 15.04.2024.  
12. Representation dated 01.05.2024, received from Andhra Pradesh State Electricity Board SC & ST Employee's Welfare Association (Regd.No.1589/1992).  
13. Show cause notice Dt: 03.05.2024, in Contempt case no:2403 of 2024, filed by Electricity OC Employees Welfare Association, AP (Regd.No.1088/2088).  
14. Representation dated 05.05.2024 , received from Electricity OC employees Welfare Association A.P. (Regd.No.1088/2008).  
15. Lr.No.Addl.Secy/DS(E,IR&Reg)/AS(E,IR&Reg)PO(Reg)/e-1274810/24, dt: 11/06/2024.  
16. IA in WP.No.39011 of 2017 praying time Extension.  
17. Daily order dated 09.07.2024.  
18. Lr.No.Addl.Secy/DS(Estt,IR&Reg)/AS(Estt,IR&Reg)/PO(Reg)/F.39011/2017, Dt:11.07.2024.  
19. Writ Appeal.No.657 of 2024 filed by APSEB SC & ST Employees Welfare Association (Regd.No.1589/1992) dt:16.07.2024.

20. Lr.No.Addl.Secy/DS(E,IR&Reg)/AS(E,IR&Reg)/PO(Reg)/ F.39011/2017, Dt:29.07.2024 to Special Chief Secretary to Govt.
21. Lr.No.Addl.Secy/DS(E,IR&Reg)/AS(E,IR&Reg)/ PO(Reg)/ F.39011/2017, Dt:29.07.2024 to SLA
22. Orders of High Court of AP in WA.No.657 of 2024.
23. Orders of High Court of AP in WA.No.694 of 2024.

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I am directed to inform that Hon'ble High Court of AP at Amaravathi passed the orders in WA.No.657 of 2024 filed by APSEB SC &ST Employees Welfare Association and others, against the orders passed in WP.No.39011 of 2017 filed by APSEB OC Employees Welfare Association, which is enclosed to this letter.

2. In view of the orders of Hon'ble High Court, all the Chief Engineer /Zones / APTRANSCO and all Office Heads are requested to place the orders of Hon'ble High Court passed in WA.No.657/2024 in notice boards requesting all employees to go through the orders of Hon'ble High Court of AP in WA.No.657/2024 and take appropriate action at their liberty as per the judgment.

3. Further the employee Unions and Associations of APTRANSCO are also requested to view the orders of Hon'ble High Court orders attached herein and advise all your members to go through the orders.

- Encl:1. Orders of High Court in WP.No.39011 of 2017  
2. Orders of High Court in WA.No.657 of 2017

Yours faithfully,

  
23/09/2024  
ADDITIONAL SECRETARY

**Copy to:**

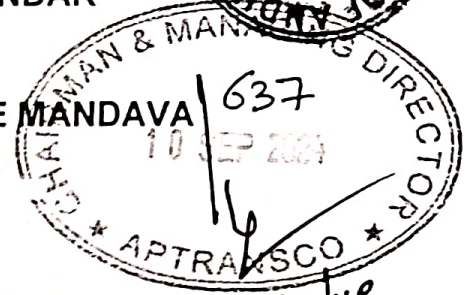
The Chief Engineer/Telecom & IT/VS/APTransco/ Vijayawada - With a request to place this letter in APTransco website at 'What's New' .

U.O. Chief Officer of Management  
Power Purchase & Legal/APPC  
APTRNSCO  
Inward No. 3361  
17 SEP 2024

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI  
THURSDAY, THE FIRST DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

PRESENT

HONOURABLE SRI JUSTICE G.NARENDAR  
AND  
HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA



WRIT APPEAL NO: 657 OF 2024

JOINT DIRECTOR  
APTRANSCO  
Inward 1788 12/9/24  
Addl Secy CE (IT & Tele.)  
CGM (HR&Co.) CE (PRTI)  
CGM (Legal&Comm.) ✓ CE (Procurement)  
FA&COA  
APTRANSCO Admin

GENERAL MANAGER  
Legal/APPC  
To, DSM.  
APGENCO. RE Projects.  
CGS. PGCIL. RE-Wire  
IPPA. Exchange-  
Co-ordination. SE/Legal.  
Court.  
GM/HR&Co.

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 28.11.2023 in W.P No. 39011 of 2017 on the file of the High Court.

1. M. Soma Sekhara Rao, S/o Late Venkata Rao, Aged 51 years, Executive Engineer, APGENCO, Employee Id 1016755, O/o Vidyutsoudha, Gunadala, Vijayawada.
2. K.Satyanarayana, S/o K. Venkata rao. Aged 56 Years, Accounts Officer, APTRANSCO, Employee Id 1019696, O/o Vidyutsoudha, Gunadala, Vijayawada.
3. T.Sailaja, D/o Late T. Balanna, Aged 46 Years, Superintending Engineer, APTRANSCO Employee Id 1068430, O/o Vidyutsoudha, Gunadala, Vijayawada.
4. G.Jaikar Rai, S/o G.Mohan Rao, Aged 57 Years, Executive Engineer, APTRANSCO, Employee Id 1016309, O/o Vidyutsoudha, Gunadala, Vijayawada.
5. P.Kanaka Raju, S/o P. Sarveswara Rao, Aged 52 Years, Sr. Assistant, Employee Id 7195, O/o Central Office, APCPDCL, Vijayawada.

S.A  
19/9/24

Transmitted to The Cam/HRD/US/WA

D. Infant  
19/9  
Chief General Manager/  
Power Purchase & Legal/APPC  
APTRANSCO, Vidyut Soudha,  
Vijayawada-520 004.

6. APSEB SC and ST Employees Welfare Association, Andhra Pradesh, Regd No 1589 AP rep by its Secretary General A.V.Kiran aged 55 years S/o Late A Prasad Rao O/o Vidyutsoudha, Gunadala, Vijayawada.

...APPELLANTS

AND

1. Electricity OC Employees Welfare Association, Andhra Pradesh, Regd No 1088/2088(Approved) AP Affiliated to All India Equality Form Regd No S132056/97 rep by its Secretary General Sri Kota Srinivas aged 47 years S/o Late Sri K V D N V Prasad Address HO SRT20 S Colony Dr NTPPS Ibrahimpatnam 521456 Vijayawada Krishna Di Andhra Pradesh
2. K V Suresh, aged 48 years Occ- Assistant Divisional Engineer O/o DE/MRT Transforms/AP Transco/ Guntur.
3. TRANSMISSION CORPORATION OF AP VIJAYAWADA, rep by its Chairman Managing Director Vidyut Soudha Gunadala Vijayawada Andhra Pradesh.
4. Andhra Pradesh Power Generation Corporation Limited, Gunadala Vijayawada, Andhra Pradesh rep by its Managing Director.
5. Southern Power Distribution Company AP Limited, rep by its Chairman Managing Director D N0191365/A Srinivasapuram Tiruchanoor Road TIRUPATI 517503 CHITTOOR DISTRICT ANDHRA PRADESH.
6. Eastern Power Distribution Company of AP Limited, rep by its Chairman Managing Director Corporate Office, P T Colony, Seethammadhara Visakhapatnam
7. The State of Andhra Pradesh, Department of Energy rep by its Principal Secretary to Government of AP, Secretariat, Amaravati, Guntur District.
8. Sri S Bojjamma, aged 48 years Occ Superintending Engineer O/o SE/PM/Construction AP Transco Vijayawada.

(8th Respondent is not necessary party since been allotted to Telangana State)

...RESPONDENTS

Vijayawada-520 004  
APTRANSCO, Vidyut Soudha,  
Power Purchase & Legal/APCC  
Chief General Manager

**IA NO: 3 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 suspend the operation of the order of this Court passed in W.P No. 39011 of 2017 dated 28.11.2023.

**Counsel for the Appellant : M/S SRIMAN**

**Counsel for Respondent No's. 1 & 2: SRI MANOJ KUMAR**

**BETHAPUDI**

**Counsel for Respondent No. 3: SRI ANOOP KAUSHIK K, SC FOR AP  
TRANSCO**

**Counsel for Respondent No. 4: SRI NAGARAJU NAGURU, SC FOR  
APGENCO**

**Counsel for Respondent No. 5: SRI V R REDDY KOVVURI, SC FOR  
APCPDCL**

**Counsel for Respondent No. 6: SRI M CHANDRA SEKHAR, SC FOR  
APEPDCL**

**Counsel for Respondent No. 7: GP FOR ENERGY**

**Counsel for Respondent No. 8: NONE APPEARED**

**The Court made the following :**

**HON'BLE SRI JUSTICE G.NARENDAR**  
**AND**  
**HON'BLE SMT JUSTICE KIRANMAYEE MANDAVA**

**WRIT APPEAL No. 657 of 2024**

**JUDGMENT:-** (per Hon'ble Sri Justice G.Narendar)

1. Heard learned senior counsel on behalf of the appellants and learned senior counsel on behalf of the private respondent and Mr. Nagaraju Naguru, learned standing counsel for A.P.G.E.N.C.O.
2. After having heard the learned senior counsel and the learned counsel for the Employer-Respondent Nos.1 & 2, this Court has suggested to the parties an option of remitting the matter to the learned Single Judge in view of the short ground that affected the parties have not been afforded an opportunity. That the same is suggested in order to avoid multiplicity of litigation and also in order to enable the learned Single Judge to hear all concerned and arrive at and form a comprehensive view.
3. Learned senior counsel and the learned counsel appearing for the Employer have accepted the same. In that view of the matter, the Writ Appeal requires to be allowed in part.
4. Accordingly, the Writ Appeal is allowed in part. The order of the learned Single Judge is set aside and the matter is remitted back to the learned Single Judge for hearing and disposal, after affording an opportunity to all the parties concerned. There shall be no order as to cost.

5. The Employer namely the respondent Nos. 1 to 4 in the Writ Petition shall notify this order to its employees and all those who are interested or would be aggrieved by any order allowing the Writ Petition, shall be permitted to come on record and be heard.

6. It is made clear that failure to participate in the Writ Petition despite such notice, would be considered as a waiver on the part of the parties, who do not participate and assist the learned Single Judge.

7. This order shall not be construed as a pronouncement on respective claims of the parties. As the matter involves the questions of seniority and career progression, we request the learned Single Judge to expedite the hearing.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Appeal shall stand closed.

Sd/- S.V.S.R. MURTHY  
JOINT REGISTRAR

//TRUE COPY//

  
SECTION OFFICER

To,

1. The Sri Kota Srinivas, Secretary General, ELECTRICITY OC EMPLOYEES WELFARE ASSOCIATION, Andhra Pradesh Regd No 1088/2088(Approved) AP Affiliated to All India Equality Form Regd No SI32056/97 aged 47 years S/o Late Sri K V D N V Prasad Address HO SRT20 S Colony Dr NTTPS Ibrahimpatnam 521456 Vijayawada Krishna Di Andhra Pradesh
2. The Chairman Managing Director Vidyut Soudha, TRANSMISSION CORPORATION OF AP VIJAYAWADA, Gunadala Vijayawada Andhra Pradesh.

3. The Managing Director, Andhra Pradesh Power Generation Corporation Limited, Gunadala Vijayawada Andhra Pradesh.
4. The Chairman & Managing Director Southern Power Distribution Company AP Limited, D N0191365/A Srinivasapuram Tiruchanoor Road TIRUPATI 517503 CHITTOOR DISTRICT ANDHRA PRADESH.
5. The Chairman & Managing Director Eastern Power Distribution Company of AP Limited, Corporate office P T Colony Seethammadhara Visakhapatnam
6. The State of Andhra Pradesh, Department of Energy rep by its Principal Secretary to Government of AP Secretariat Amaravati Guntur Dt.
7. The Registrar (Judicial), High Court of Andhra Pradesh.
8. The Section Officer, Writs (Service) Section, High Court of Andhra Pradesh.
9. The Section Officer, Posting Section, High Court of Andhra Pradesh.
10. One CC to M/S. SRIMAN Advocate [OPUC]
11. One CC to SRI MANOJ KUMAR BETHAPUDI Advocate [OPUC]
12. One CC to SRI ANOOP KAUSHIK K, SC FOR AP TRANSCO [OPUC]
13. One CC to SRI VIDYASAGAR M, SC FOR APGENCO [OPUC]
14. One CC to SRI V R REDDY KOVVURI, SC FOR APCPDCL [OPUC]
15. One CC to SRI M CHANDRA SEKHAR, SC FOR APEPDCL [OPUC]
1. Two CCs to GP for ENERGY, High Court Of Andhra Pradesh. [OUT]
16. Three CD Copies

PRK

Madhu

**HIGH COURT**

**DATED:01/08/2024**

**JUDGMENT**

**WA.No.657 of 2024**

**ALLOWING THE WRIT APPEAL IN PART**

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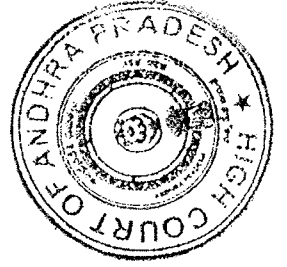
IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI  
(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF APRIL  
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SMT. JUSTICE V.SUJATHA

WRIT PETITION NO: 39011 OF 2017



**Between:**

1. Electricity OC Employees Welfare Association, Andhra Pradesh (Regd No.1088/2088)(Approved) AP (Affiliated to All India Equality Form. Regd No.S132056/97), rep by its Secretary General, Sri Kota Srinivas. aged 47 years: S/o. Late Sri K V D N V Prasad Address: HO SRT-20, S Colony. Dr NTTPS Ibrahimpatnam 521456. Vijayawada. Krishna Di. Andhra Pradesh
2. K.V.Suresh, aged 48 years: Occ:Assistant Divisional Engineer: O/o. DE/MRT & Transforms/AP Transco/ Guntur..

...PETITIONERS

AND

1. Transmission Corporation of Andhra Pradesh, rep by its Chairman & Managing Director, Vidyut Soudha. Gunadala, Vijayawada: Andhra Pradesh.
2. Andhra Pradesh Power Generation Corporation limited, Gunadala, Vijayawada, Andhra Pradesh rep by its Managing Director.
3. Southern Power Distribution Company a AP Limited, rep by its Chairman & Managing Director. D.NO:19-13-65/A, Srinivasapuram, Tiruchanoor Road. TIRUPATI - 517503. CHITTOOR DISTRICT. ANDHRA PRADESH
4. Eastern Power Distribution Company of AP Limited., rep by its Chairman & Managing Director. Corporate office: P& T Colony, Seethammadhara. Visakhapatnam
5. The State of Andhra Pradesh, Department of Energy, rep by its Principal Secretary to Government of AP. Secretariat, Amaravati. Guntur Dt
6. Sri S Bojjamma, aged 48 years: Occ: Superintending Engineer: O/o. SE/PM/Construction: AP Transco: Vijayawada.

...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 order preferably in the nature of Writ Mandamus' Declare the action of the official Respondents in applying /extending/giving consequential seniority to employees promoted under Rule of Reservation as illegal arbitrary contrary to law and unconstitutional and consequently declare that the employees promoted under the reserved category cannot count their seniority in the promoted category from the date of their promotion and the senior general candidates later promoted are entitled to regain their seniority and consequently direct the official Respondents to revise the seniority lists in all the categories or posts in their

Respective Organizations/Companies and consequently apply the "Catch up Rule" and consequently restore/the seniority of general candidates over and above the employees promoted under the Reserved category with all consequential benefits like seniority promotion etc.

**I.A. NO: 1 OF 2017(WPMP. NO: 48395 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 official Respondents to effect any promotions to any categories of posts either adhoc temporary incharge or FAC basis only after the seniority lists are revised in terms of the Hon'ble Supreme court of India Judgement rendered in S Paneer Selvam and Others Vs State of Tamil Nadu and others reported in (2015) 10 SCC 292 pending disposal of the above writ petition.

**Counsel for the Petitioners: SRI K. LAKSHMI NARASIMHA**

**Counsel for the Respondent No.1: SRI ANUP KOUSHIK KARAVADI,  
SC FOR APTRANSCO**

**Counsel for the Respondent No.2 : SRI M.VIDYA SAGAR, SC FOR APGENCO**

**Counsel for the Respondent No.3 : SRI Y. NAGI REDDY, SC FOR APSPDCL**

**Counsel for the Respondent No.4 : SRI M. RAVINDRA, SC FOR APEPDCL**

**Counsel for the Respondent No.5 : GP FOR ENERGY**

**Counsel for the Respondent No.6 : -----**

**The Court made the following: ORDER**

**HONOURABLE SMT. JUSTICE V. SUJATHA****WRIT PETITION No.39011 of 2017****ORDER:**

The present writ petition came to be filed under Article 226 of the Constitution of India seeking the following relief:

*“...to issue a writ or order preferably in the nature of Writ Mandamus Declare the action of the official Respondents in applying /extending/giving consequential seniority to employees promoted under Rule of Reservation, as illegal, arbitrary, contrary to law and unconstitutional and consequently declare that the employees promoted under the reserved category cannot count their seniority in the promoted category from the date of their promotion and the senior general candidates later promoted are entitled to regain their seniority and consequently direct the official Respondents to revise the seniority lists in all the categories or posts in their Respective Organizations/Companies and consequently apply the “Catch up Rule” and consequently restore/the seniority of general candidates over and above the employees promoted under the Reserved category with all consequential benefits like seniority promotion etc and pass...”*

2. The 1<sup>st</sup> petitioner's association is a registered association vide Regd.No.1088/2088, registered with the office of the Registrar of Societies, Hyderabad on 29.12.2008. All the members of the petitioner's association are presently working in various capacities in the official respondent companies. Most of

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them were initially appointed way back in the erstwhile APSEB, during the years 1958 to 1995.

3. During the year 1999, the erstwhile APSEB was bifurcated into 2 companies called as Generation Company of AP Limited (for short AP Genco), and Transmission Corporation of AP Limited, (for short called as AP Transco). During the year 2000, four distribution companies, called as AP Central Power Distribution Company Limited (for short, APCPDCL), AP Northern Power Distribution Company Limited (for short, APNPDCL), AP Southern Power Distribution Company Limited (for short, APSPDCL) and AP Eastern Power Distribution Company Limited (for short, APEPDCL) were formed by the State of Andhra Pradesh.

4. While so, the service rules were framed for all the electricity employees, called as AP State Electricity Board Services Regulations framed under Section 79(c) of the Indian Electricity Supply Act, 1948, vide BP Ms.No.199, dated 04.03.1970. The grievance of the petitioner is that in the said regulations, in so far as the 4 official respondent companies are concerned, the concept of reservation is not provided for either at the time of initial appointment or at the time of promotions. Therefore, the concept of rule of reservations for SC & ST

employees and the consequential seniority is not available in the service regulations.

5. As such, the Transco, AP vide TOO(Add Secy-Per) Ms. No.96, dated 25.07.2009 intended to implement the rule of reservations in promotions, in favour of SC and ST employees as was done in the case of the State Government, which was however subject to the amendment of the service regulations of the official respondent company. But, till date, no such amendment has been contemplated or affected in any of the 4 respondent organizations. Challenging the said action of the respondents, the said writ petition is filed.

6. The respondent Nos. 1 and 3 have filed a counter stating that as per Article 16(4A) of Constitution of India as amended by the Constitution (Eighty Fifth Amendment) Act, 2001, all the state governments are to provide reservations to a SC/ST in matters of promotion, as long as the State believes that the SC/ST is not adequately represented in government services. In view of the said amendment for reservation in promotion for Schedule Case and Schedule Tribes, the Government of Andhra Pradesh has issued G.O.Ms.No.5, Social Welfare (SW.ROR.1) Department, dated 14.02.2003 to implement the rule of reservation for adequate representation of

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the Scheduled Caste and Scheduled Tribe employees i.e., 15% and 6% respectively in all categories of posts in all department with certain directions. It is further stated that the respondent Nos.1 to 4 are public undertaking companies wholly owned by Government of Andhra Pradesh, the respondent No.1 i.e., Transmission Corporation of A.P Ltd., vide the T.O.O(CM(IR)-Per) Ms.No.320, dated 17.03.2003 after careful consideration has adopted G.O.Ms.No.5, Social Welfare (SW.ROR.1) Department, dated 14.02.2023 in the matter of implementation of Rule of Reservation in promotions in favour of S.Cs and S.Ts in all categories of posts in APTRANSCO.

7. It is further stated that the Government of Andhra Pradesh in G.O.Ms.No.21, Social Welfare (ROR.1) Department, dated 18.03.2003 have issued certain guidelines on implementation of Rule of Reservation in Promotions to SC&ST employees. The respondent No.1 vide the T.O.O(CG)IR-Per)Ms.No.324, dated 25.03.2003 has adopted the said guidelines. Further, the State Government of Andhra Pradesh issued G.O.Ms.No.2, Social Welfare (SW.ROR.1) Department, dated 09.01.2004, the respondent No.1 vide the T.O.O CGM (HRD & Trg)-Per) Ms.No.246, dated 23.01.2004 has adopted the comprehensive orders issued in G.O.ms.No.2, dated

09.01.2004, clarifying the procedure to be followed in implementation of the rule of reservation in respect to the promotion of SC and ST employees. The State of Andhra Pradesh in G.O.Ms.No.26, Social Welfare (SW.ROR.1) Dept. Dated 20.02.2009 has issued amendment to G.O.Ms.No.5, dated 14.02.2003 as follows:

***Amendment:***

*(1) For paragraph 4(a), the following shall be substituted, namely:*

*(a) Reservation shall be implemented with consequential seniority in favour of Scheduled Castes and Scheduled Tribes in promotions in all categories of posts in all the State Government Departments with immediate effect”.*

8. It is further submitted that the respondent No.1 vide T.O.O(Addl.Secy-Per) Ms.No.96. dated 25.07.2009 has adopted the amendment in G.O.Ms.No.26, Social Welfare (SW.ROR.1)Dept. dated 20.02.2009 read with G.O.Ms.No.5 SW(ROR1) Department, dated 14.02.2003. Thus, as per the Regulations 6(c) of the APSEB Service Regulations Part-III the respondent No.1 has adopted all the rules and orders implemented by the State Government of Andhra Pradesh from time to time for reservations of appointment for Scheduled Castes, Scheduled Tribes and Backward Classes as per the lists

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notified by the State Government declaring the Scheduled Castes, Scheduled Tribes and Backward Classes. It is further submitted that the Judgment of **B.K.Pavitra Vs The Union Bank of India**, dated 10.05.2019 the catch-up principle laid down in the *Nagraj Vs.UOI*, (2006) 8 SCC 212 was observed and held that the consequential seniority is not an additional benefit but a consequence of the promotion which is granted to the SCs and STs and held as following:

*“Article 16(4A) and 16(4B) against a challenge of violation the basic structure, Nagraj applied the test of width and the test of identity. The constitutional Bench ruled that the catch-up rule and consequential seniority are not constitutional requirement. They were held not to be implicit in clauses (1) to (4) of Article 16. Nagraj held that they are not constitutional limitations or principles but are concepts derived from service jurisprudence. Hence, neither the obliteration of these concepts not their insertion would violate the equality code contained in Articles 14, 15 and 16. The principle postulated in Nagraj is that consequential seniority is a concept purely based in service jurisprudence. The incorporation of consequential seniority would hence not violate the constitutional mandate of equality”*

In view of the above, it is further submitted that the consequential seniority can be a requirement for the promotions of SC/ST employees.

9. Heard both the counsel and perused the material placed on record.

10. The learned counsel for the petitioners relied upon a judgment of the Hon'ble Supreme Court in **2017 (4) SCC 620 B.K. Pavitra Vs. The Union Bank of India**, the catch-up principle laid down in the *Nagraj Vs. UOI*, (2006) 8 SCC 212 was observed and held that the consequential seniority is not an additional benefit but a consequence of the promotion which is granted to the SCs and STs and held that the consequential seniority is a concept purely based in service jurisprudence and that the incorporation of consequential seniority would hence not violate the constitutional mandate of equality which can be a requirement for the promotions of SC/ST employees.

11. The prayed sought in the present writ petition is only to direct the respondent officials to revise the seniority list in all the categories of post in their respective organizations/companies by applying the catch-up rule.

12. It has already been admitted in the counters filed by the respondent Nos.1 and 3 that the case of the petitioner is covered by the judgment in **B.K.Pavitra Vs. Union of India**, dated **10.05.2019**, wherein the Court has given a conclusion as follows:

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*"184. For the above reasons, we have come to the conclusion that the challenge to the constitutional validity of the Reservation Act 2018 is lacking in substance. Following the decision in B.K. Pavitra I, the State government duly carried out the exercise of collating and analyzing data on the compelling factors adverted to by the Constitution Bench in Nagaraj. The Reservation Act, 2019 has cured the deficiency which was noticed by B.K. Pavitra I, in respect of the Reservation Act, 2002. The Reservation Act, 2018 does not amount to a usurpation of judicial power by the state legislature. It is Nagaraj and Jarnail complaint. The Reservation Act, 2018 is a valid exercise of the enabling power conferred by Article 16(4A) of the Constitution.*

13. In view of the above, this Court feels it appropriate to dispose of the writ petition in the same lines of the above observation made by the Hon'ble Supreme Court, by directing the respondents to follow the above rule of principle with regard to four (4) categories of employees.

14. Accordingly, with the above direction, this writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

Sd/- K.TATA RAO  
DEPUTY REGISTRAR  
SECTION OFFICER

//TRUE COPY//

To,

1. The Chairman & Managing Director, Transmission Corporation of Andhra Pradesh, Vidyut Soudha, Gunadala, Vijayawada: Andhra Pradesh.
2. The Managing Director Andhra Pradesh Power Generation Corporation limited, Gunadala, Vijayawada, Andhra Pradesh.

3. The Chairman & Managing Director Southern Power Distribution Company a AP Limited, D.NO:19-13-65/A, Srinivasapuram, Tiruchanoor Road. TIRUPATI - 517503. CHITTOOR DISTRICT. ANDHRA PRADES}
4. The Chairman & Managing Director Eastern Power Distribution Company of AP Limited., Corporate office: P & T Colony, Seethammadhara. Visakhapatnam.
5. The Principal Secretary to Government of AP, State of Andhra Pradesh, Department of Energy, Secretariat, Amaravati. Guntur Dt.
6. ~~One CC to~~ Sri K. Lakshmi Narasimha, Advocate [OPUC]
7. One CC to Sri Anup Koushik Karavadi, SC for APTRANSCO [OPUC]
8. One CC to Sri M.Vidya Sagar, SC for APGENCO (OPUC)
9. One CC to Sri Y.Nagi Reddy, SC for APSPDCL (OPUC)
10. One CC to Sri M.Ravindra, SC for APEPDCL (OPUC)
11. Two CCs to GP for Energy, High Court of Andhra Pradesh. (OUT)
12. Two C.D. Copies

Cnr

gl

M.M. Ban

**HIGH COURT**

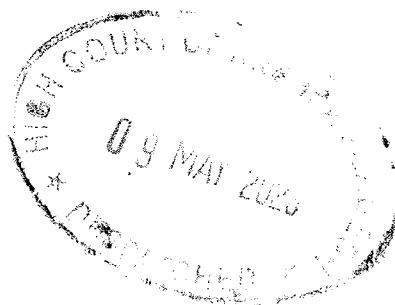
**DATED:18/04/2023**

**ORDER**

**WP.No.39011 of 2017**

(14)

M.M.Bax  
9/5/23



**DISPOSING OF THE W.P.  
WITHOUT COSTS**