

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

WRIT PETITION NOS: 17491 OF 2017, 36287 OF 2014, 20575 OF 2016, 20582 OF 2016, 20585 OF 2016 AND 24403 OF 2016

Between

The State of Andhra Pradesh rep. by its Principal Secretary,
Home (Services) Department, A.P. Secretariat, Velagapudi,
Guntur District and 2 others.

.. Petitioner

and

1.U.J.Narasimhulu, S/o. Late Chinna Narasimhulu,
aged 42 years, working as Police Constable PC-65,
Revanur P.S. Koilakuntla Mandal, Kurnool District
and 5 others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 04.12.2025

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
AND
THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA**

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reports/Journals? | Yes/No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

CHEEKATI MANAVENDRANATH ROY, J

TUHIN KUMAR GEDELA, J

*** THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
AND
THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA**

**+ WRIT PETITION NOS: 17491 OF 2017, 36287 OF 2014, 20575 OF 2016, 20582
OF 2016, 20585 OF 2016 AND 24403 OF 2016**

% DATE: 04.12.2025

The State of Andhra Pradesh rep. by its Principal Secretary,
Home (Services) Department, A.P. Secretariat, Velagapudi,
Guntur District and 2 others.

... Petitioner

Vs.

\$ 1. U.J.Narasimhulu, S/o. Late Chinna Narasimhulu,
aged 42 years, working as Police Constable PC-65,
Revanur P.S. Koilakuntla Mandal, Kurnool District and 5
others.

... Respondents

! Counsel for the petitioner : Assistant Government Pleader for Services-I

^Counsel for respondents : Mr. G.V.Shivaji

< Gist:

➤ Head Note:

? CASES REFERRED: NIL.

APHC010643102017



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

[3558]

THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

**WRIT PETITION NOS: 17491 OF 2017, 36287 OF 2014, 20575 OF 2016,
20582 OF 2016, 20585 OF 2016 AND 24403 OF 2016**

WRIT PETITION NO: 17491/2017

Between:

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, HOME (SERVICES) DEPARTMENT A.P. SECRETARIAT. VELAGAPUDI, GUNTUR DISTRICT.
2. THE DIRECTOR GENERAL AND INSPECTOR GENERAL OF POLICE, ANDHRA PRADESH, HYDERABAD.
3. THE SUPERINTENDENT OF POLICE, KURNOOL DISTRICT AT KURNOOL.

...PETITIONER(S)

AND

1. U J NARASIMHULU, S/O LATE CHINNA NARASIRRIHULU, AGED 42 YEARS, WORKING AS POLICE CONSTABLE PC-65 REVANUR P.S. KOILAKUNTALA MANDAL, KURNOOL DISTRICT.
2. D ANJANEYULU, S/O SAYANNA, AGED 40 YEARS WORKING AS POLICE CONSTABLE PC-111 KOILAKUNTALA P. S.. KURNOOL DISTRICT.
3. N C VENKATA REDDY, S/O LATE N.SANJIVA REDDY AGED 46 YEARS, WORKING AS POLICE CONSTABLE PC-2363 KOILAKUNTALA P.S. KURNOOL DISTRICT.

- 4.V RAMANIAH, S/O LATE SIVANNA, AGED 46 YEARS, WORKING AS POLICE CONSTABLE PC-25 GOSUPACTU P.S. KURNOOL DISTRICT.
- 5.M NAGESWARA RAO, S/O LATE UDDANDI, AGED 44 YEARS WORKING AS POLICE CONSTABLE PC-58 VELGODU P.S. KURNOOL DISTRICT
- 6.THE A P ADMINISTRATIVE TRIBUNAL, REP. BY ITS REGISTRAR, PURANI HAVELI, HYDERABAD

...RESPONDENT(S):

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 topleased to issue an appropriate Writ. order or direction more particularly one in the nature of WRIT OE CERTIORARI calling for the records relating to in connection with the orders dated 22-03-2016 in O..A.No.7041 2012 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal and to quash or set aside the same as erroneous in excess of jurisdiction and contrary to law and to pass

IA NO: 1 OF 2017(WPMP 21361 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 suspend the operation of the orders dated 22-03-2016 of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad which was rendered in O.A.No.7041/2012 pending disposal of the writ petition and pass

Counsel for the Petitioner(S):

- 1.GP FOR SERVICES I (AP)

Counsel for the Respondent(S):

- 1.G V SHIVAJI

WRIT PETITION NO: 36287/2014

Between:

- 1.THE STATE OF A.P.,HOME,HYD.,& 2 OTRS., HOME DEPARTMENT, SECRETARIAT, HYDERABAD.
- 2.THE DIRECTOR GENERAL AND INSPECTOR GENERAL OF, POLICE

ANDHRA PRADESH, HYDERABAD.

3.THE SUPERINTENDENT OF POLICE,, PRAKASAM DISTRICT,
ONGOLE.

...PETITIONER(S)

AND

1.Y CHANDRA SEKHAR PRAKASAM DIST ANR, POLICE CONSTABLE
NO. 507 (CIVIL) OF A.P., ONGOLE I TOWN PS, PRAKASAM
DISTRICT. .

2.THE A P ADMINISTRATIVE TRIBUNAL REPRESENTED BY ITS,
REGISTRAR, PURANA HAVEN, HYDERABAD.

...RESPONDENT(S):

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 toto issue an appropriate writ order or direction more particularly one in the nature of "Writ of Certiorari" calling for the records relating to and connected with order Dt. 18.10.2012, OA.No. 8330/2012 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and to quash or set asid the same by holding as erroneous and contrary to law.

IA NO: 1 OF 2014(WPMP 45422 OF 2014

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 orders of the Hon'ble Andhra Pradesh Administrative Tribunal dated 18.10.2012 in OA.No. 8330/2012, pending disposal of the writ petition

Counsel for the Petitioner(S):

1.GP FOR SERVICES I (AP)

Counsel for the Respondent(S):

1.

WRIT PETITION NO: 20575/2016

Between:

1.THE STATE OF ANDHRA PRADESH,, REPRESENTED BY ITS
PRINCIPAL SECRETARY, HOME (SERVICES) DEPARTMENT,

A.P.SECRETARIAT BUILDINGS, HYDERABAD.

- 2.THE DIRECTOR GENERAL OF POLICE,, STATE OF ANDHRA PRADESH, LAKDIKAPOL, HYDERABAD.
- 3.THE DEPUTY INSPECTOR GENERAL OF POLICE,, ELURU RANGE, ELURU, WEST GODAVARI DISTRICT.
- 4.THE SUPERINTENDENT OF POLICE,, KRISHNA DISTRICT AT MACHILIPATNAM.

...PETITIONER(S)

AND

- 1.J VENKATA PRASAD, S/O.CHINTHAIAH, AGE 45 YEARS, P.C.NO.2096, G.KONDURU POLICE STATION, R/O. G. KONDURU, KRISHNA DISTRICT
- 2.J RANGA RAO, S/O.PURNA CHANDRA RAO, AGE 47 YEARS, P.C.NO.1697, HANUMAN JUNCTION POLICE STATION, HANUMAN JUNCTION CIRCLE, R/O. H.NO.4-55, PORANKI VILLAGE, PENAMALURU, KRISHNA DISTRICT
- 3.K CHINNA RAMBABU, S/O. VENKATESWARA RAO, AGE 45 YEARS, P.C.NO.1681, INAGUDURUPET POLICE STATION., R/O.'K' BLOCK, PARUSUPETA POLICE QUARTERS, MACHILIPATNAM, KRISHNA DISTRICT
- 4.THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL, REP. BY ITS REGISTRAR, PURANI HAVELI, HYDERABAD.
- 5.THE COMMSSIONER OF POLICE, VIJAYAWADA CITY, VIJAYAWDA, KRISHNA DISTRICT.
- 6.J RAVI BABU, P.C.NO.4169, WORKING ON DEPUTATION AT VIGILANCE DEPT., APTS, VIJAYAWADA, R/O. D.NO.58-6-15, KARANAMGARI STREET, PATAMATA VIJAYAWADA.

...RESPONDENT(S):

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 toto issue an appropriate Writ, order or direction more particularly one in the nature of WRIT OF CERTIORARI calling for the records relating to and connected with order dated 22-03-2016 in O.A.No.10385 of 2012 with V.M.A.No.752 of 2013 (O.A.No.910/12 & Batch) on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, and to quash or set aside the same as erroneous, in excess of jurisdiction and contrary to law and to pass

IA NO: 1 OF 2016(WVMP 4232 OF 2016

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 vacate the interim orders granted in W.P.M.P.No. 25221/2016 in W.P.No. 20575/2016, dated 30.06.2016, and pass

IA NO: 2 OF 2016(WPMP 25221 OF 2016

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 orders dated 22-03-2016 of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad which was rendered in O.A.No.10385 of 2012 with V.M.A.No.753 of 2013 (O.A.No.910/12 & Batch) pending disposal of the writ petition and pass

Counsel for the Petitioner(S):

- 1.GP FOR SERVICES I (AP)

Counsel for the Respondent(S):

- 1.D BALA KISHAN RAO
- 2.

WRIT PETITION NO: 20582/2016

Between:

- 1.STATE OF AP,PRL.SCY,HOME,HYD,& 3, REPRESENTED BY ITS PRINCIPAL SECRETARY, HOME (SERVICES) DEPARTMENT, A.P.SECTATERIAT BUILDINGS, HYDERABAD.
- 2.THE DIRECTOR GENERAL OF POLICE,, STATE OF ANDHRA PRADESH, LAKDIKAPOL, HYDERABAD.
- 3.THE DEPUTY INSPECTOR GENERAL OF POLICE,, ELURU RANGE, ELURU, WEST GODAVARI DISTRICT
- 4.THE SUPERINTENDENT OF POLICE,, KRISHNA DISTRICT AT MACHILIPATNAM

...PETITIONER(S)

AND

- 1.J SIVAJI KRISHNA DIST 3, S/O ASEERVADAM, AGE 50 YEARS, P.C.NO.2089, MUDNEPALLI PS., GUDIVADA RURAL CIRCLE, R/O MUDINEPALLI, KRISHNA DISTRICT
- 2.A K MEHAR BABU, S/O SUBBA RAO, AGE 49 YEARS, P.C.NO.2086, CHILAKALAPUDI PS., BANDAR TOWN CIRCLE, R/O H.NO.14-228, EDEPALLI, MACHILIPATNAM, KRISHNA DISTRICT
- 3.Y CHANDRA SEKHER RAO, S/O LATE Y.VENKAIAH, AGE 53 YEARS, P.C.NO.2080, INAGUDURUPET PS., BANDAR TOWN CIRCLE, R/O MACHAVARAM, KRISHNA DISTRICT
- 4.THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL, REP.BY ITS REGISTRAR, PURANI HAVELI, HYDERABAD

...RESPONDENT(S):

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 WRIT OF CERTIORARI calling for the records relating to and connected with order dated 22.03-2016 in O.A.No.8375 of 2012 with VMA No.1927 of 2012 (O.A.No.910/12 & Batch) on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, and to quash or set aside the same as erroneous, in excess of jurisdiction and contrary to law

IA NO: 1 OF 2016(WPMP 25228 OF 2016)

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 orders dated 22.03-2016 of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad which was rendered in O.A.No.8375 of 2012 with VMA No.1927 of 2012 (O.A.No.910/12 & Batch) pending disposal of the writ petition

Counsel for the Petitioner(S):

- 1.GP FOR SERVICES I (AP)

Counsel for the Respondent(S):

- 1.

WRIT PETITION NO: 20585/2016

Between:

- 1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL, SECRETARY, HOME (SERVICES) DEPARTMENT, A.P.SECRETARIAT BUILDINGS, HYDERABAD.
- 2.THE DIRECTOR GENERAL OF POLICE, STATE OF ANDHRA PRADESH,, LAKDIKAPOL, HYDERABAD.
- 3.THE DEPUTY INSPECTOR GENERAL OF POLICE,, ELURU RANGE, ELURU, WEST GODAVARI DISTRICT.
- 4.THE SUPERINTENDENT OF POLICE,, KRISHNA DISTRICT AT MACHILIPATNAM.

...PETITIONER(S)

AND

- 1.G NAGA MALLESHWARA RAO, S/O. LAXINANA SWAMY, AGE 45 YEARS, P.C.NO.2079, NANDIVADA POLICE STATION, GUDIVADA RURAL CIRCLE, R/O. H.NO.13-183, C-8, POLICE QUARTERS, GUDIVADA, KRISHNA DISTRICT.
- 2.K DAMODARA RAO, S/O.SUBBA RAO, AGE 45 YEARS, P.C.NO. 1622, HALLMAN JUNCTION POLICE STATION, R/O.H.NO.5-53/1, BAPULAPADU, KRISHNA DISTRICT.
- 3.M SREENIVASA RAO, S/O. ARJUNA RAO, AGE 40 YEARS, P.C.NO.1686, HANUMAN JUNCTION POLICE STATION, HANUMAN JUNCTION CIRCLE, R/O.H.NO.5-53/1, BAPULAPADU, KRISHNA DISTRICT.
- 4.THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL, REP. BY ITS REGISTRAR, PURANI HAVELI, HYDERABAD.

...RESPONDENT(S):

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 toto issue an appropriate Writ, order or direction more particularly one in the nature of WRIT OF CERTIORARI calling for the records relating to and connected with order dated 22-03-2016 in O.A.No.9353 of 2012 (O.A.No.910/12 & Batch) on the file of the Hon'ble Andhra Pradesh

Administrative Tribunal, and to quash or set aside the same as erroneous, in excess of jurisdiction and contrary to law and to pass such other order or orders as this Hon'ble Court which are deemed fit and proper in the circumstance of the case.

IA NO: 1 OF 2016(WVMP 4188 OF 2016

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 vacate the interim orders granted in WP MPNo.25231/2016 in WP No.20585/16, dt.30.06.2016

IA NO: 2 OF 2016(WPMP 25231 OF 2016

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 orders dated 22-03-2016 of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad which was rendered in O.A.No.9353 of 2012 (O.A.No.910/12 & Batch) pending disposal of the writ petition

Counsel for the Petitioner(S):

- 1.GP FOR SERVICES I (AP)

Counsel for the Respondent(S):

- 1.

WRIT PETITION NO: 24403/2016

Between:

- 1.THE STATE OF ANDHRA PRADESH REPRESENT I6 PRINCIPAL SECRETARY, HOME (SERVICES) DEPARTMENT, A.P.SECRETARIAT BUILDINGS, HYDERABAD.
- 2.THE DIRECTOR GENERAL OF POLICE. STATE OF ANDHRA, PRADESH, LAKDIKAPOL, HYDERABAD.
- 3.THE DEPUTY INSPECTOR GENERAL OF POLICE, ELURU RANGE,, ELURU, WEST GODAVARI DISTRICT.
- 4.THE COMMISSIONER OF POLICE, VIJAYAWADA CITY, KRISHNA DIST., -

...PETITIONER(S)

AND

- 1.J RAVI BAHU S/O HANUMATHA RAO AGED ABOUT 43 YEARS, P.C.NO.1469, WORKING ON DEPUTATION AT VIGILANCE DEPT., APTS,VIJAYAWADA, R/O. D.NO.58-6-15, KARANAINGARI STREET, PATAMATA VIJAYAWADA.
- 2.THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL, REP. BY ITS REGISTRAR, PURANI HAVELI, HYDERABAD
- 3.THE SUPERINTENDENT OF POLICE KRISHNA DISTRICT AT, MACHILIPATNAM.
- 4.J VENKATA PRASAD S/O CHINTHAIAH, P.C.NO.2096, G.KONDURU POLICE STATION, RIO. G. KONDURU, KRISHNA DISTRICT
- 5.J RANGA RAO S/O PURNA CHANDRA RAO, P.C.NO.1697. HANURNAN JUNCTION POLICE STATION, HANUMAN JUNCTION CIRCLE, R/O. H.NO.4-55, PORANKI VILLAGE, PENAMALURU, KRISHNA DISTRICT.
- 6.K CHIRMA RAMBABU S/O VENKATESWARA RAO, P.C.NO.1681, INAGUDURUPET POLICE STATION, RIO.'K' BLOCK, PARUSUPETA POLICE QUARTERS, MACHILIPATNAM, KRISHNA DISTRICT

...RESPONDENT(S):

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 WRIT OF CERTIORARI calling for the records relating to and connected with order dated 22-03-2016 in O.A.No.10385 of 2012 with V.M.A.No.752 of 2013 (O.A.No.910/12 & Batch) on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, and to quash or set aside the same as erroneous, in excess of jurisdiction and contrary to law

IA NO: 1 OF 2016(WPMP 30084 OF 2016

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 orders dated 22-03-2016 of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad which was rendered in O.A. No. 10385 of 2012 with VMA. No. 752 of 2013 (O.A. No. 910/12 & Batch) pending disposal of the writ petition.

Counsel for the Petitioner(S):

1.GP FOR SERVICES I (AP)

Counsel for the Respondent(S):

1.

WRIT PETITION NO: 24403/2016

Between:

- 1.THE STATE OF ANDHRA PRADESH REPRESENT I6 PRINCIPAL SECRETARY, HOME (SERVICES) DEPARTMENT, A.P.SECRETARIAT BUILDINGS, HYDERABAD.
- 2.THE DIRECTOR GENERAL OF POLICE. STATE OF ANDHRA, PRADESH, LAKDIKAPOL, HYDERABAD.
- 3.THE DEPUTY INSPECTOR GENERAL OF POLICE, ELURU RANGE,, ELURU, WEST GODAVARI DISTRICT.
- 4.THE COMMISSIONER OF POLICE, VIJAYAWADA CITY, KRISHNA DIST., -

...PETITIONER(S)

AND

- 1.J RAVI BAHU S/O HANUMATHA RAO AGED ABOUT 43 YEARS, P.C.NO.1469, WORKING ON DEPUTATION AT VIGILANCE DEPT., APTS,VIJAYAWADA, R/O. D.NO.58-6-15, KARANAINGARI STREET, PATAMATA VIJAYAWADA.
- 2.THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL, REP. BY ITS REGISTRAR, PURANI HAVELI, HYDERABAD
- 3.THE SUPERINTENDENT OF POLICE KRISHNA DISTRICT AT, MACHILIPATNAM.
- 4.J VENKATA PRASAD S/O CHINTHAIAH, P.C.NO.2096, G.KONDURU POLICE STATION, RIO. G. KONDURU, KRISHNA DISTRICT
- 5.J RANGA RAO S/O PURNA CHANDRA RAO, P.C.NO.1697. HANURNAN JUNCTION POLICE STATION, HANUMAN JUNCTION CIRCLE, R/O. H.NO.4-55, PORANKI VILLAGE, PENAMALURU, KRISHNA DISTRICT.
- 6.K CHIRMA RAMBABU S/O VENKATESWARA RAO, P.C.NO.1681, INAGUDURUPET POLICE STATION, RIO.'K' BLOCK, PARUSUPETA

POLICE QUARTERS, MACHILIPATNAM, KRISHNA DISTRICT

...RESPONDENT(S):

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 WRIT OF CERTIORARI calling for the records relating to and connected with order dated 22-03-2016 in O.A.No.10385 of 2012 with V.M.A.No.752 of 2013 (O.A.No.910/12 & Batch) on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, and to quash or set aside the same as erroneous, in excess of jurisdiction and contrary to law

IA NO: 1 OF 2016(WPMP 30084 OF 2016)

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 orders dated 22-03-2016 of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad which was rendered in O.A. No. 10385 of 2012 with VMA. No. 752 of 2013 (O.A. No. 910/12 & Batch) pending disposal of the writ petition.

Counsel for the Petitioner(S):

1.GP FOR SERVICES I (AP)

Counsel for the Respondent(S):

1.

The Court made the following:

COMMON ORDER: *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

In this batch of writ petitions, the State has challenges the orders of the Andhra Pradesh Administrative Tribunal, Hyderabad, directing to fix the seniority of the respondents who were transferred to their native zones on their request, as per their original seniority in the previous units where they worked. Therefore, all these writ petitions are heard together and they are being disposed of by this common order.

2. Heard the learned Assistant Government Pleader for Services-I appearing for the writ petitioners and the learned counsel for the respondents in all the writ petitions.

3. Whether an employee, who was appointed and posted in one unit at the time of his initial appointment, is transferred to another unit on his request, is entitled to claim seniority, as per the seniority fixed in his previous unit where he was originally appointed, in the unit to which he was transferred, is the neat question of law that arises for determination in this batch of writ petitions before this Court.

4. Facts germane to dispose of these writ petitions may briefly be stated as follows:

The respondents in this batch of writ petitions are originally appointed as Constables in Andhra Pradesh Police Department. At the time of their appointment and while giving postings to them, they were all appointed in various districts in the State of Telangana in a separate zone before the bifurcation of the State which took place in the year 2014 with effect from 02.06.2014. The respondents were appointed on various dates in the common State of Andhra Pradesh by which time the Telangana area is part of the erstwhile combined State of Andhra Pradesh. After their appointment all the respondents have joined duty in their respective stations and reported for duty

and they worked as Police Constables in the said districts in which they were appointed and posted. Subsequently, all the respondents, even before the division of the State, made a written request to transfer them to their native districts in their native zones. Considering their request, the concerned authority has transferred them to their native districts and they joined in their respective native districts pursuant to the orders passed to that effect. At this juncture, it is relevant and significant to note that the respondents have themselves categorically, unequivocally and clearly admitted in their pleadings in the application filed before the Tribunal in para No.2 that all the employees were transferred in the year 1998 to their respective native zones on their request as per G.O.Rt.No.1807 Home (POLICE.B) Department, dated 22.08.1998 and subject to assigning them last rank below the regular candidates in the new units by foregoing their seniority in the present working units. Therefore, after they are transferred to their native districts and after they took charge of the respective posts in their native districts to which they were transferred on their request, the respondents were placed in the seniority list below the employees, who are already working in those units. Therefore, aggrieved by the said seniority list whereby the respondents are placed below the employees working in those units, they have approached the Tribunal challenging the legal validity of the same.

5. The Tribunal, by the impugned order, mainly placing reliance on the three G.O.s which are G.O.Ms.No.204 Home (SER.II) Department, dated 06.08.2010, G.O.Ms.No.248, Home (SER.II) Department, dated 21.09.2010 and G.O.Ms.No.184 Home (SER.II) Department dated 21.07.2011, allowed the applications filed by them. Considering the said G.Os it is held by the Tribunal that when the Sub-Inspectors who were transferred from one zone to their native zones were placed in the seniority on the top of the employees in the later units that the respondents herein who are the Police Constables, who are also similarly placed, are also entitled for fixing their seniority on par with the

Sub-Inspectors in the units to which they were transferred and thereby directed to fix their seniority accordingly in later units.

6. Aggrieved thereby, the present batch of writ petitions are filed by the State, challenging the legality and validity of the impugned orders of the Tribunal on the ground that the same is contrary to the mandate of Rule 35 of Andhra Pradesh State and Subordinate Service Rules, 1996 (hereafter, called for short, 'the Rules') and that the Tribunal did not consider Rule 35 of the Rules, which is relevant in the context to resolve the controversy.

7. Learned Assistant Government Pleader for Services-I appearing for the writ petitioners, vehemently, contended before the Court that the Tribunal has considered only Rule 33 of the Rules and it deals only with fixing of seniority at the time of initial appointment and not at the time of subsequent transfer of the employees either on administrative grounds or on their own request and he submits that the relevant rule is Rule 35 which deals with fixing of seniority of the employees who are transferred from one unit to another unit on administrative grounds and on request and their seniority is to be fixed as per the mandate of Rule 35 and the Tribunal completely ignored Rule 35 and passed the impugned orders and it is clearly unsustainable under law. He then contends that the three G.O.s based on which the Tribunal passed the orders in favour of the respondents are not applicable to the present facts of the case and they relate to transfer of employees on administrative grounds and they relate to cases of repatriation and the Tribunal grossly erred in applying the said G.O.s to the case of the respondents and as such the impugned orders of the Tribunal are not valid under law. Therefore, he prayed to set-aside the impugned orders of the Tribunal.

8. Per contra, learned counsel for the respondents, particularly, Mr. G.V.Shivaji, learned counsel appearing for the respondents in writ petition No.17491 of 2017, vehemently, contended that the Tribunal has rightly relied on the aforesaid three G.O.s for the purpose of restoring the seniority of the

respondents in their later units and a Coordinate Bench of this Court in writ petition No.18737 of 2014 held that when the seniority of the Sub-Inspectors, who are transferred from one unit to another unit, was protected in their later units that the respondents, who are Constables who are also similarly placed, are also entitled to similar protection of their seniority in the later units and there is no justification to deny the similar benefit given to the Sub-Inspectors, to the Police Constables and this Court has protected the seniority of the employees who are transferred on request also to another unit. So, placing strong reliance on the said judgment of the Coordinate Bench of this Court and G.O.Rt.No.2462, Home (SER.II) Department, dated 22.12.2012, he strongly supports the impugned orders of the Tribunal and he submits that there is no illegality or irregularity in the orders that are passed by the Tribunal and they warrant no interference in these writ petitions and he thereby prayed to dismiss the writ petitions and uphold the orders of the Tribunal.

9. We have given our anxious consideration to the aforesaid rival submissions made by both the learned Assistant Government Pleader for Services-I for the petitioners-State and the learned counsel for the respondents. We have also perused and considered the relevant rules applicable for the purpose of fixing the seniority both at the time of initial appointment of the employees and also at the time of subsequent transfers made on administrative grounds and on the personal request of the employees. The service conditions of the respondents herein, who are the employees working as Police Constables in the Police Department in the State of Andhra Pradesh, are governed by the Andhra Pradesh State and Subordinate Service Rules, 1996. Rule 33 of the Rules deals with fixing of seniority of a person in service or a class of persons at the time of their initial appointment in the said cadre. Since there is no dispute regarding the validity of the seniority of the respondents fixed in the original units in which they are initially appointed, Rule 33 is not relevant in the context to consider as there is no controversy at all relating to their seniority fixed at the time of their initial

appointment in the units in which they are posted. Their seniority has been fixed at the time of their original appointment in the units in which they are posted strictly in conformity with Rule 33 of the Rules.

10. After they joined their duty in their respective units in which they are appointed and posted, the respondents have themselves made a personal request to transfer them to their native districts. The said request was made in the year 1998. As noticed *supra*, while narrating the facts of the case, the respondents have themselves clearly and unequivocally admitted in their pleadings in the original applications filed before the Tribunal in para No.2 that they themselves have made a request for their transfer from present districts to their native districts. They have also given an undertaking in their written request that their transfers to their native districts will be subject to assigning last rank below the regular candidates in the new units and that they will also forego their seniority in the present working units. Therefore, considering their request, the Department by G.O.Rt.No.1807 Home (POLICE.B) Department, dated 22.08.1998, transferred them from their present working units to their native districts. After their transfer to their native districts they are placed in the rank of seniority below the regular candidates who are already working in the said units from the time of their appointment. We do not find any legal flaw or infirmity in placing them below the regular candidates in the later units as they are all transferred on their own request and not on any administrative grounds. In this context, the relevant Rule to be applied and considered is Rule 35 of the Rules. For better appreciation and for ready reference, Rule 35 of Andhra Pradesh State and Subordinate Service Rules, 1996 is extracted hereunder and it reads thus:

35. Fixation of seniority in the case of transfers on request or on administrative grounds:— (a) *The seniority of a member of a service, class or category transferred from one unit of appointment to another unit of appointment, on administrative grounds, shall be, determined with reference to the date of seniority of such member in the former unit.*

(b) The seniority of a member of a service, class or category, who is transferred on his own request from one unit of appointment to another unit of appointment shall be fixed with reference to the date of his joining duty in the later unit of appointment.

11. It is in two parts i.e., (a) and (b). Clause (a) of Rule 35 deals with fixing of seniority of a member of a service or a class or category who were transferred from one unit of appointment to another unit of appointment on administrative grounds. It mandates that when an employee was transferred from the unit of his appointment to another unit on administrative grounds then his seniority is to be fixed as per his seniority that is allotted to him at the time of his initial appointment in the former unit. So, it is obvious that when an employee was transferred on administrative grounds and not on his request, his seniority in his previous unit is well protected and the same seniority is to be maintained even in the later unit also. But, the position is different when an employee was transferred on his request. The same is dealt with in Clause (b) of Rule 35. Clause (b) of Rule 35 mandates that when an employee is transferred on his own request from one unit of appointment to another unit, then his seniority shall be fixed with reference to the date of his joining duty in the later unit of appointment. Therefore, the legal position is very much clear from Clause (b) of Rule 35 that when an employee was transferred on his own request and not on administrative grounds then his seniority is to be fixed from the date of his appointment in the later unit. So, his seniority in the previous unit is not protected and he has to be placed below the line in the seniority of the regular candidates who are working in the later unit. The obvious reason, the rationale and the object behind Clause (b) of Rule 35 is not to cause any loss or prejudice to the regular employees who are already working in the later unit whose seniority has been fixed at the time of their initial appointment in the said unit. The employees, who are transferred to the said units on their request, cannot disturb the seniority of the regular candidates working in the said unit which is in existence from the time of their initial appointment. Therefore, with the said avowed object Clause (b) of Rule 35 has been

incorporated in the Rules to protect the seniority of the regular candidates working in those units and not to cause any prejudice to their service conditions and affect their rights to which they are legally entitled as per the service conditions. In fact, we have already noticed *supra* that the respondents have themselves applied for their transfers on their request and they also clearly gave an undertaking that they will not claim any seniority, as fixed in their original units, in the later units and subject to the said condition, they are transferred to the said units. Undoubtedly and admittedly, they are not transferred on administrative grounds to apply Clause (a) of Rule 35 of the Rules. So, fixation of their seniority is clearly governed by Clause (b) of Rule 35 of the Rules. In our considered view their seniority has been rightly fixed in their later units to which they are transferred on their request strictly in conformity with Clause (b) of Rule 35 of the Rules. Therefore, the fixation of their seniority in the later units is absolutely valid under law.

12. The Tribunal completely ignored Clause (b) of Rule 35 of the Rules, which is relevant in the context and which is applicable to resolve the controversy involved before it and to adjudicate the *lis* before it. The Tribunal has decided the case contrary to the mandate of Clause (b) of Rule 35 of the Rules. The Tribunal also erroneously placed reliance on the aforesaid three G.O.s, which are cited. We have meticulously perused and gone through the said three G.O.s based on which, the Tribunal passed the impugned orders. In all the said three G.O.s the employees were transferred on administrative grounds. They are not transferred on their request. Therefore, as they are transferred on administrative grounds, Clause (a) of Rule 35 of the Rules has been applied and their seniority in their previous units of appointment was protected even after their transfer to the subsequent units. A perusal of the G.Os show that as initially they were erroneously posted in another unit contrary to G.O.Ms.No.610, General Administration (SPF-A) Department dated 30.12.1985 and after noticing the anomaly, subsequently, they were repatriated to their native units in terms of G.O.Ms.No.610. Therefore, as they

are transferred on administrative grounds, their seniority was protected in conformity with Clause (a) of Rule 35 of the Rules. So those G.O.s cannot be made applicable to the case of the respondents herein who are transferred on their own request and not on administrative grounds. The Tribunal grossly erred in considering the said G.O.s and placing reliance on the same for the purpose of allowing the applications filed by the respondents herein. In the 3rd G.O. even though one employee was not transferred on administrative grounds and he was transferred on his request, his seniority in the later unit was protected. But, it is stated in the said G.O. that on special grounds that his seniority was restored. In fact, the said restoration of seniority is contrary to law in as much as it is against to the mandate of Clause (b) of Rule 35 of the Rules. So, even if any such G.O. was issued restoring his seniority, it is opposed to law. The same cannot be taken as a binding precedent for the purpose of granting the relief claimed by the respondents in their applications before the Tribunal. When the rule mandates that seniority is to be fixed in a particular manner of the employees, who are transferred on their request, their seniority is to be fixed in accordance with the said rule and even if any seniority was fixed contrary to it, earlier, it cannot be taken as a valid precedent for the purpose of granting relief to the respondents. Therefore, we are not inclined to consider the said submissions made by learned counsel for the respondents that as in one case the seniority was protected even in case relating to transfer made on request that the respondents herein are also similarly placed. We find no merit in the said contention and the same cannot be countenanced as the law has to prevail and Rule has to prevail in determining the controversy before the Court of law.

13. Learned counsel for the respondents contends that the service of the respondents in the previous units is to be counted to their service in their transferred units for all purposes relating to their service benefits etc.. That was not denied to them by the State and it is settled law that even in case of their transfer on request, from one unit to another, their past service in the

previous units will be reckoned to their service in the present units for all other purposes relating to their service benefits etc.. However, in view of the submission made by learned counsel for the respondents, we make it clear that their past service in the previous units shall be counted and taken into consideration along with their service in the present units for the purpose of granting all other service benefits. We have decided only the controversy relating to the fixing of their seniority in their later units, which is the actual controversy involved in this *lis*.

14. In view of the detailed discussions made above and particularly in the light of the mandate contained in Rule 35 of the Rules which clearly enjoins that when an employee was transferred on his own request that his seniority is to be fixed as on the date of joining his duty in the later unit of appointment, we are of the view that the impugned orders of the Tribunal are clearly unsustainable under law and they are liable to be set-aside. The Tribunal completely ignored the plight of the regular employees who are already working in the later units, who are appointed in those units originally.

15. In fine, these Writ Petitions are allowed. The impugned orders of the Tribunal are set-aside. The seniority of the respondents which was fixed in their later units on the basis of their date of joining duty in the later units of appointment is sustained. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 04.12.2025

Note: LR copy to be marked

(B/o)

MDP