

GOVERNMENT OF TELANGANA

Office of the Engineer-in-Chief,
Public Health, A.C. Guards,
Hyderabad - 500004.

Memo No. 4680/CSI/S-I/NTPA

dt 20.01.2020

Sub:- Telangana State P.H & M.E service – Seniority in the cadre of Deputy Executive Engineer – Disposal of Objections – reg

Ref:- 1.The Hon'ble High Court, Telangana State, orders datcd.30-4-2019 in IA No.1/2019 in WA No.361/2019 in case of R. Sreenivasa Reddy.
2.T/o.Pro.No.4680/CS1 /S-I/NTPA 2019,dt.6-8-2019 (Final Seniority list of AEEs .
3.T/o.Pro.No.4680/CS1 /S-I/NTPA/20 19,dt.6-8-2019 (Provisional Seniority list of Dy.EEs).
4.Representations of certain individuals to this office.
5.T/o.Pro.No.4680/CS1 /S-I/NTPA/20 19,dt. 4-9-2019 (Final Seniority list of Dy.EEs).

The Hon'ble High Court of Telangana issued interim orders dt 30.04.2019 in IA no. 1/2019 in WA no. 361/2019 that

"Even if there are tangled webs in this case, it is for the respondents to resolve the difficulties, and to finalise the seniority list in the shortest period. Moreover, the time to finalise the seniority list cannot be used as an excuse to make adhoc promotions in favour of others, for such adhoc promotions invariably cause heart-burning and frustration amongst others. Therefore, this Court is of the opinion that, till the seniority list is finalized by the official respondents, they should be enjoined from making adhoc promotions, Therefore, this Court directs the respondents not to make any adhoc promotions till the next date of hearing."

In compliance to the directions given by the Hon'ble High Court, the provisional seniority lists in the cadre of Deputy Executive Engineer (Zone wise & integrated) were issued vide reference 3rd cited and Claims/Objections, if any were invited.

After scrutinising the Claims/Objections received, Final Seniority lists in the cadre of DEE (Zonal & Integrated) were issued vide reference 4th cited.

Some departmental Engineers have expressed their concern that no detailed speaking orders were issued in connection with disposal of their objections at the time of issuing Final Seniority lists in the cadre of Deputy Executive Engineers and as such they are unaware of valid reasons for not considering their objections. In this regard, the Engineer-in-Chief (PH) has called a special meeting on 01.01.2020 with all those engineers whoever have any further objections or needed clarifications and heard their version and also gave verbal clarification on case to case basis.

In view of above, the objections have been verified once again and the following orders are issued through department website for communicating the same to the individuals through their respective Superintending Engineers:

The Objections received are segregated into two types i.e (1) Common Objections and (2) Specific Objections and they are examined in detail as under.

Specific Objections

Objections by Sri Lachiram, Executive Engineer

Objection No 1 : His name is placed below Sri P.Raj Kumar, S.Srinivas, Smt D.Ashalatha, Smt R.Indira Bai.

Reply : Sri D.Lachiram belongs to PSC 1992-93 batch whereas Sri P.Raj Kumar, Sri S.Srinivasu, Smt R.Indirabai were repatriated to their native zones of Zone V & VI under SPF and their seniority has been protected in the initial cadre w.r.t. their date of joining

(in the former unit) in terms of para 5 of G.O.Ms. no 419 MA&UD dept dt 12-06-2008 [read with Rule 35(a) of the State & Subordinate Service Rules]. Accordingly their respective due dates of reckoning as DEE were allowed in the final Seniority list of DEES i.e. Sri D.Lachiram (@ S.no. 18 in Zonal list & @ S.no. 43 in Integrated list) Smt D.Ashalatha (@ S.no. 85 in Integrated list), Sri P.Raj Kumar (@ S.no. 117 in Integrated list) Smt R.Indirabai (@ S.no. 61 in Zonal list & S.no. 158 in Integrated list) and the relative positions have changed to that extent.

Objections by Sri Y.Srinivas Executive Engineer

Objection No 1 : His notional date to be changed as 31-05-2004 instead of 22-09-2007

Reply : The Hon'ble High Court in WA No. 361/2019 issued Interim Orders cautioning against the adhoc promotions continuing for years together and directed that :

"Even if there are tangled webs in this case, it is for the respondents to resolve the difficulties, and to finalize the seniority list in the shortest period. Moreover, the time to finalize the seniority list cannot be used as an excuse to make adhoc promotions in favour of others, for such adhoc promotions invariably cause heart-burning and frustration amongst others. Therefore, this Court is of the opinion that, till the seniority list is finalized by the official respondents, they should be enjoined from making adhoc promotions, Therefore, this Court directs the respondents not to make any adhoc promotions till the next date of hearing."

The present review is taken up as per the above orders issued by the Hon'ble High Court in WA no. 361/2019. As such the dates given earlier (based on the length of service) have been reviewed and notional/reckoning dates have been arrived based on his seniority in the initial cadre. Hence, the (reckoning date) given to him holds good.

Objection No 2 : As he belongs to 1989 APPSC Batch (of AEEs), he should be placed immediately after Sl. 151, Rajendra Kumar, 1984 - 85 batch, in final seniority list of Assistant Executive Engineer Zone VII city of Hyderabad cadre, instead of at Sl. No: 170.

Reply : Rule 33(a) of the State & Subordinate Service Rules reads :

"The seniority of a person in a service, class, category or grade shall, unless he has been reduced to a lower rank as a punishment, be determined by the **date of his first appointment** to such service, class, category or grade."

Rule 33(b) of the State & Subordinate Service Rules reads :

"The appointing authority may, at the time of passing an order appointing two or more persons simultaneously to a service, fix either for the purpose of satisfying the rule of reservation of appointments or for any other reason, the **order of preference** among them; and where such order has been fixed, seniority shall be determined in accordance with it: Provided that the order of merit or order of preference indicated in a list of selected candidates prepared by the **Public Service Commission** or other selecting authority, **shall not be disturbed inter-se** with reference to the candidates position in such list or panel while determining the seniority in accordance with this rule and notional dates of commencement of probation to the extent necessary, shall be assigned to the persons concerned, with reference to the order of merit or order of preference assigned to them in the said list."

Hon'ble Supreme Court in judgment ~~Dated~~: 19th November, 2019 in "Megha chandra Singh vs Ningam Siro", clarified that :

"The seniority cannot be reckoned from the date of occurrence of the vacancy and cannot be given retrospectively unless it is so expressly provided by the relevant service rules. It is so because seniority cannot be given on retrospective basis when an employee has not even been borne in the cadre and by doing so it may adversely affect the employees who have been appointed validly in the meantime."

In view of above, it is verified and concluded that in terms of Rule 33(a), Rule 33(b) of the State & Subordinate Service Rules & in terms of the Hon'ble Supreme Court judgment ~~Dated~~ 19th November, 2019 "Megha chandra Singh vs Ningam Siro", the due date corresponding to the order of preference (fixed for the APPSC 1989 batch) holds good and no modification is needed.

Objections by Sri S.Sudhaker Rao, Deputy Executive Engineer

Objection No 1 : His Name is omitted for promotion in panel of DEE to post of EE's proposed in March 2019

Reply : The objection is not relevant to the present issue and hence no action is needed.

Objections by Sri M.Gangadhar, Deputy Executive Engineer

Objection No 1 : Sought to consider B.Tech Qualification from IGNOU

Reply: His claim has been considered in terms of the Hon'ble Supreme Court judgment dated 30th July 2018 in "Mukul Kumar Sharma vs All India Council For Technical Education" and the same is incorporated.

Objections by Sri R.Sreenivas Rao, Assistant Engineer

Objection No 1 : Sought to update qualification as AMIE(Graduation) from LCE in S.No. 176 in AE(PH) Seniority list

Reply : His claim is considered subject to confirmation from Institution of Engineers.

Objections by Sri K.Kishan, Superintending Engineer

Objection No 1 : In the final seniority list of AEEs his reckoning date was shown as 1991 but it should be his PSC 1987 Notification.

Reply : In terms of Rule 33(a), Rule 33(b) of the State & Subordinate Service Rules & in terms of the Hon'ble Supreme Court judgment *Dated:* 19th November, 2019 "Meghachandra Singh vs Ningam Siro", the due date corresponding to the order of preference (fixed for the APPSC 1989 batch without disturbing inter se seniority) holds good and no modification is needed.

Objection No 2 : Mulki Rules are not followed

Reply : The objection is not relevant to the present issue and hence no action is needed.

Objections by Smt D. Asha Latha, Executive Engineer

Objection No 1 : Sri S.Srinivasu is placed above her name

Reply : Sri S.Srinivasu is among the candidates repatriated from Zone-7 (City Cadre) to Zone-5 in terms of Para-5(2)(c) of Presidential order vide G.O.Ms. no 419 MA&UD dept dt 12-06-2008. He was initially appointed as A.E but subsequently got converted as AEE. By the time repatriation orders were issued he got promoted as DEE. However, his seniority has been protected in the initial cadre in Zone-5 in terms of para 5 of G.O.Ms. No 419 MA&UD dept dt 12-06-2008 [read with Rule 35(a) of the State & Subordinate Service Rules]. Smt D.Asha Latha was promoted as earlier as DEE on 26.02.2008 before completing requisite 3 years of service as A.E.E. Hence her due date of DEE was recast based on the corresponding date on which she would have completed requisite length of service. Accordingly the position of Smt D.Asha Latha vis-à-vis Sri S.Srinivasu is modified.

Objection no 2 : Her name in the EEs seniority it was shown at sl. No. 37 but now in the provisional Seniority list of Dy.EEs her name is palced at sl. No. 104 which is incorrect.

Reply : Smt D.Asha Latha was promoted earlier as DEE on 26.02.2008 before completing requisite 3 years of service as A.E.E. Hence her due date of DEE was recast based on the corresponding date on which she would have completed requisite length of service. Accordingly the relative position of Smt D.Asha Latha w.r.t. others is modified.

Objections by Sri A.Manohar Rao, Deputy Executive Engineer

Objection No 1 : Sought to correct the date of promotion as DEE as 24-1-2015 as against 24-05-2015 and also to keep the same date as notional.

Reply : Considered and corrected the reckoning date as 24-01-2015.

Objections by Sri Ch.Mallikarjunudu, Superintending Engineer

Objection No 1 : Requested to correct his reckoning Date of SE as 27-02-2007

Reply : Seniority fixed as per the law laid down by the Hon'ble Supreme Court in "**Bimlesh Tanwar vs State of Haryana**", (Judgment dated 10.03.2003). Based on the said judgment of the Hon'ble Supreme Court, the Hon'ble High Court of Andhra Pradesh as well as Hon'ble High Court of Telangana in various cases have reiterated that "*roster points can not constitute the basis for fixing seniority*". In the meanwhile the Government and Public Service Commission have been following the merit order in respect of direct recruitments based on the various judgements pronounced, in the aftermath of the promotion of petitioner as Executive Engineer & Superintending Engineer.

Objection No 2 : Request to place him above Md.Ziaddiun as per the order of the Merit communicated vide GO Ms No. 488 MA (C1), Dt. 09-04-1978

Reply : The Roster based merit order communicated vide GO Ms No. 488 MA (C1), Dt. 09-04-1978 is not valid as per the law laid down by the Hon'ble Supreme Court in "**Bimlesh Tanwar vs State of Haryana**". Accordingly the position of Sri Ch.Mallikarjunudu vis-à-vis Sri Md.Ziaddiun is modified.

Objections by Sri P.Nageswara Rao, Deputy Executive Engineer

Objection No 1 : To correct date of promotion as 29-11-2008 instead of 19-02-2009

Reply : Claim is verified as per the records; He was promoted without reference to Charges temporarily based on the Judgment of Hon'ble APAT in OA no. 2438/2008. As per review, notional/reckoning date of 17-03-2008 is allowed.

Objections by Sri D.Shiva Kumar, Superintending Engineer

Objection No 1 : Requested to restore his seniority list as per Merit at 6th position as per APPH&ME Service Rules

Reply :The Roster based ranking communicated vide GO Ms No. 488 MA (C1), Dt. 09-04-1978 is not valid as per the law laid down by the Hon'ble Supreme Court in "**Bimlesh Tanwar vs State of Haryana**". Accordingly the position of Sri D.Shiva Kumar is modified.

Objections by Sri P.Prakasam, Deputy Executive Engineer

Objection No 1 : His junior G. Narsing Rao is placed at SI No. 8 but he is placed at SI No. 62 even though he is senior than G. Narsing Rao

Reply : His objection is considered and date assigned as per the slot earmarked to SC category

Objections by Sri V.Ranjit, Deputy Executive Engineer

Objection No 1 : That he got 349 marks in APPSC Examination whereas Sri Sucharan got 319 marks. On his repatriation to Zone-5 from Zone-2, his name should have been placed above that of Sri G.Sucharan.

Reply : Sri S.Mahender & Sri G.Sucharan (both natives of Zone-5) were originally appointed in Zone-V vide EinC(PH) Proc. No. E1(1)/74/2005 dt 13.06.2005. Sri V.Ranjit (also a native of Zone-5) was initially appointed in Zone-2 vide EinC(PH) Proc. No.

E1(1)/74/2005 dt 13.06.2005 and subsequently repatriated to Zone V in terms of Para 5.2.(c) of the Presidential Order vide G.O.Ms. No. 419 MA dt 12.06.2008. He reported for duty in the latter unit on 13.11.2008.

The policy of the Government has been that supernumerary posts shall be created if there are no vacancies in the latter units for accommodating repatriates as indicated in Govt. memo no 9543/MC/2007-7 GA(MC)Dept dt 21-06-2007.

Para 5 of Govt. Memo No 9543/MC/2007-7 GA(MC) dt 21-06-07 Reads :

"In the absence of a clear vacancy in the Local cadre to which such non local employee is to be transferred, the Administrative department may initially send such identified employee on deputation as per his consent or on other duty. Simultaneously the **process for creation of supernumerary posts in that local cadre shall be initiated** for obtaining orders of the Government. Each Administrative Department shall prepare a consolidated proposal for creation of supernumerary posts in this regard and such proposals may be finalized at the earliest and put up through Finance Department before the cabinet within the next 15 days following the existing procedure in this regard."

The PSC issues merit lists zonewise in the initial cadre. Sri G.Sucharan was appointed against Roster point allotted to BC category and **only one post against OC slot was filled up** in Zone V at that time with Sri B.Mahender who got more marks (353) than those of Sri V.Ranjit. Had Sri V.Ranjit got more marks than Sri B.Mahender, he would have got selected in Zone-5 at that time itself.

The **vacancy** in which Sri V.Ranjit was subsequently accommodated in Zone-5 (during the year 2008 consequent to his repatriation) **was not existing** during 2005, i.e., at the time of original appointment. As such his placement is to be treated as against the subsequently arisen/supernumerary vacancy.

The protection of seniority as envisaged in Para 5 of G.O.Ms. No. 419 MA dt 12.06.2008 is limited to protection of the date of seniority in the initial cadre in the former unit, i.e., Zone-2. Admittedly, Sri V.Ranjit has neither challenged inclusion of his name in the repatriation list (under Rule 5.2.(c) of the Presidential Order) nor the validity of G.O.Ms. No. 419 MA dt 12.06.2008. In the normal course, he would have been placed after the last regular candidate in the latter unit i.e., Zone-5, as on 13.11.2008. However, since his repatriation occurred in terms of Rule 5.2.(c) of the presidential Order, he was placed in the same batch of 2005 PSC with the corresponding date of 22.06.2005 and the same holds good.

Objection No 2 : That he got equal marks (349) as those of Sri R.Sreenivasa Reddy but he was placed @ S.no. 131 in the Integrated Seniority list whereas Sri R.Sreenivasa Reddy was placed @ S.No. 85.

Reply : Rule 34 of the State & Subordinate Service Rules reads :

"34. PREPARATION OF INTEGRATED OR COMMON SENIORITY LIST OF PERSONS BELONGING TO DIFFERENT UNITS OF APPOINTMENT:- Where as integrated or common seniority list of a particular class, or category or grade in any service belonging to different units of appointment has to be prepared for the purpose of promotion or appointment by transfer, to a class or category having different units of appointment or for any other purpose, such an integrated or common seniority list shall be prepared with reference to the provision of sub-rule (a) of rule 33, provided that the seniority list of the persons inter-se belonging to the same units shall not be disturbed.

Explanation: The principle specified in this rule shall be applicable even where a common integrated list is required to be prepared for categories in different services, classes or categories.."

Sri V.Ranjit & Sri R.Sreenivasa Reddy belong to different units of appointment in the initial cadre. The Hon'ble High Court in "G.Ramachandra Rao Vs Secretary to Govt, Water Resources Dept, AP. in WP No. 37131/2017 & Batch", while quoting the Hon'ble Supreme Court Judgment in "Government Of Andhra Pradesh And Ors... vs A.

Suryanarayananarao And Ors."and the Hon'ble High Court Judgment in "Akkena Trinadham And Others vs The State Of A.P.," clarified as follows:

"The directions given by the Tribunal to ensure that no Junior Engineer is promoted earlier than their seniors in the Statewide seniority list to the post of Executive Engineer, should be quashed."

"We hold that promotional opportunities in a Zone/Unit of appointment will depend upon (a) the number of sanctioned posts to which the promotions are being made and (b) the vacancies arising in the sanctioned posts due to death, retirement, promotion, cessation of employment for any reason etc.; so in a particular unit, there may be more promotional opportunities and in other Unit there may not be that many promotional opportunities and **the chance of promotion may vary** according to the availability of vacancies; and promotion cannot be based on State-wide seniority and a person belonging to a particular Zone **cannot be treated as a Junior or Senior** to the members of the service in another Zone."

"after coming into force of the Presidential Order, Districts became 'watertight compartments' in relation to certain posts, and cluster of Districts formed into Zones became 'watertight compartments' in relation to certain categories of posts as per Paragraph-6 of the Presidential Order; and if due to what happened within their local cadres someone gained something, persons in other cadres cannot make out a grievance; and likewise, persons in other local cadres cannot also have a grievance if what happened within some other local cadre conferred benefit upon the persons in that cadre that eventually had an impact upon the integrated State wide seniority list."

As Sri R.Sreenivasa Reddy belongs to Zone-6 and Sri V.Ranjit belongs to Zone-5, in view of the above clarification given by the Hon'ble High Court, the claim of Sri V.Ranjit is untenable.

Objection No 3 : The validity of qualification of Deemed to be universities shall be considered from the date of Special Test (conducted by AICTE)

Reply : The Hon'ble Supreme Court while disposing the Contempt petition (Civil) Nos.408-409 of 2019 in Civil Appeal Nos.17869-17870 of 2017 in "Ashok Kumar and Others vs. Depinder Singh Dhesi and Others", clarified that

"10. It was, therefore, clear that the candidates who, on the strength of such Degrees awarded through Distance Education Mode, **had attained a particular level in their career or were enjoying certain benefits as on the date of the Judgment and if they pass the examination, those benefits would stand restored. If the candidates could clear the examination in the first attempt itself, there would not even be any break in continuous enjoyment of those benefits or facilities.** The idea was, candidates should not stand deprived of the status that they were enjoying as on the day of the Judgment provided the candidates could prove their worth and ability.

But if, the concerned candidates had not attained any particular status, as on the date when the Judgment was passed, the width of the Contempt Petition (Civil) Nos.408-409 of 2019 in Civil Appeal Nos.17869-17870 of 2017 Ashok Kumar and Others vs. Depinder Singh Dhesi and Others directions was not to confer any additional advantage which was not even enjoyed as on the date. It was not the idea to hold the candidates to be entitled to certain additional benefits which the candidates were, as a matter of fact, not even enjoying on the date of the judgment. **If the degrees stood restored in terms of the directions in the Judgment and the Order, the candidates would certainly be eligible to such entitlements as are available in accordance with law, but restoration would only be of those benefits, which they were enjoying as on the date of the Judgment.** In short, the intent was to restore status quo ante and not to confer any additional advantage by the Judgment and the Order

In view of the above clarification given by the Hon'ble Supreme Court, that the "Status Quo Ante" is restored in respect of the candidates who clear the AICTE special examination in the first attempt, the **claim** that "Qualification obtained from Deemed to be universities to be considered valid only with effect from the date of AICTE special Examination" is **not tenable** and hence not considered.

Objections by Sri Y.Sayapa Reddy, Executive Engineer

Objection No 1 : Mulki Rules are not followed

Reply : The objection is not relevant to the present issue and hence no action is needed.

Objections by Sri SVRNRD Subramanya, Deputy Executive Engineer

Objection No 1 : Dates are varying from those of the List communicated in 2017

Reply : Seniority list communicated in the year 2017 is not sustainable in view of the direction of the Hon'ble High Court in WA no 361/2019.

Objection No 2 : Integrated list of Combined state not prepared

Reply : As per the limited time allowed by the Hon'ble High Court, the lists of three zones coming under Telangana State have been prepared; As per his position in the seniority list of initial cadre, due date of DEE is arrived at; hence the same holds good.

Objections by Smt R.Indira Bai, Executive Engineer

Objection No 1 : Her reckoning date of promotion is 22-09-2007 but it has been shown as 28-06-2013

Reply : Smt R.Indirabai, was repatriated to her native zone under Para 5.2.(c) of the Presidential Order and her seniority has been protected in the initial cadre w.r.t. her date of joining in terms of para 5 of G.O.Ms. no 419 MA&UD dept dt 12-06-2008 [read with Rule 35(a) of the State & Subordinate Service Rules]. Accordingly her due date of reckoning as DEE was given. The earlier date based on the length of service is not sustainable in view of the direction of the Hon'ble High Court in WA no 361/2019

Objections by Sri P.Venkateswarlu, Executive Engineer

Objection No 1 : His name is placed below Sri P.Raj Kumar, S.Srinivas, Smt D.Ashalatha, Smt R.Indira Bai and S.Narasimha Reddy despite his due reckoning date of 22-09-2007.

Reply : His claim is verified and reckoning date of 22-09-2007 is allowed.

Objections by Smt L.Sakku Bai, Executive Engineer

Objection No 1 : Her name is placed below the names of Smt D. Ashalatha, Sri. G. Gopal and Smt. S. Sampada in the Dy.EE provisional seniority list.

Reply : Smt L.Sakkubai, was repatriated to her native zone (Zone-5) under Para 5.2.(c) of the Presidential Order and her seniority has been protected in the initial cadre w.r.t. her date of joining in terms of para 5 of G.O.Ms. no 419 MA&UD dept dt 12-06-2008 [read with Rule 35(a) of the State & Subordinate Service Rules]. Accordingly her due date of reckoning as DEE was given. Smt D. Ashalatha, Sri. G. Gopal and Smt. S. Sampada belong to Zone-6 which is a different unit of appointment. In view of the clarification given in the Hon'ble High Court in "G.Ramachandra Rao Vs Secretary to Govt, Water Resources Dept, AP. in WP No. 37131/2017 & Batch" her claim is not tenable.

Objections by Sri P.Durgaiah, Superintending Engineer

Objection No 1 : His batch PSC 1987 but shown has PSC 1989-90 in AEE Seniority List

Reply : In terms of Rule 33(a), Rule 33(b) of the State & Subordinate Service Rules & in terms of the Hon'ble Supreme Court judgment Dated: 19th November, 2019

"Meghachandra Singh vs Ningam Siro", the due date corresponding to the order of preference (fixed for the APPSC 1989 batch without disturbing inter se seniority) holds good and no modification is needed.

Objections by Sri B.Mahender, Executive Engineer

Objection No 1 : Requested to rectify his DOB as 10-05-1979 and qualification as M.Tech and category SC (Madiga)

Reply : Verified and modified accordingly.

Objection No 2 : Requested to rectify his place in DEE's which was wrongly shown at SI No.13 and for placing his name above Sri Venkata Sessaiah.

Reply : His claim is verified and his name is placed above that of Sri Venkata Sessaiah.

Objection No 3 : His reckoning date is shown as 5.10.2010 instead of 31.12.2008

Reply : Seniority list dated 13.03.2017 is based on length of service. Apart from that several anomalies such as assigning notional dates in the Provisional lists itself without reviewing earlier panels took place which has become bone of contention in various WPs and finally in view of the direction of the Hon'ble High Court in IA No. 1 in WA No.361/2019 said Seniority List dated 13.03.2017 is not sustainable. Therefore, the notional date of 31.12.2008 given to him in place of his actual date of promotion (06.04.2013) without reviewing the earlier panels can not be sustained. Therefore, the notional/ reckoning date now assigned to him in DEE cadre as per his position in the seniority list of initial cadre holds good.

Objection No 4 : His name is placed below the names of Sri R.Sreenivasa Reddy and Sri B.Gopal though he got more marks in the APPSC Examination. While preparing Integrated Seniority List of DEEs, State wide Merit list (in the initial cadre) shall be followed.

Reply : Sri B.Mahender belongs to Zone-5 and accordingly his reckoning date is arrived at in Zone-5. Sri R.Sreenivasa Reddy and Sri B.Gopal belong to Zone-6 which is a different unit of appointment. The Integrated Seniority List is prepared in terms of Rule 34 of the State & Subordinate Services. In view of the clarification given by the Hon'ble High Court in "G.Ramachandra Rao Vs Secretary to Govt, Water Resources Dept, AP. in WP No. 37131/2017 & Batch" his claim is not tenable and the (reckoning) date given to him holds good.

Objections by Sri S.S.Nityanandam, Executive Engineer

Objection No 1 : Request to prepare the Seniority list as per the Kamalnathan Guide Lines

Reply : The objection is not relevant to the present issue and hence no action is needed.

Objections by Smt G.Madhavi, Deputy Executive Engineer

Objection No 1 : Her position shall be fixed immediately next to Smt Ishrath Jahan in the Seniority list.

Reply : As seen from the EinC(PH) Proc. 555/CS1/2014 dt 01-03-2014, adhoc promotions were issued to the posts of Deputy Executive Engineers in Zone-5 under Rule 10(a) of State & Subordinate Service Rules. It was clearly mentioned therein that "*the adhoc promotions now ordered to the above individuals concerned are purely temporary basis and subject to the outcome of various disciplinary cases pending if any and pending OAs, WPs & SLPs if any in APAT/Hon'ble High Court/Hon'ble Supreme Court; this adhoc promotions shall not confer any right to the individuals concerned for regular promotion and they are liable for reversion at any time without giving any notice.*"

The present review is taken up as per the orders issued by the Hon'ble High Court in WA no. 361/2019. As such the dates given earlier (*based on the length of service*) have been reviewed and notional/reckoning dates have been arrived based on her seniority in the initial cadre.

As per seniority in the initial cadre of AEEs, corresponding due date in the DEE cadre is allowed. While effecting promotions to the Cadre of Deputy Executive Engineer from the initial cadre, candidates from all the feeder channels viz., AEE/AE/MAEE/MAE/TO find entry in the panel based on the slots allotted to respective categories in the Cycle. **Due to such interspersions, consecutive positions (for the batch mates coming from the same feeder channel) may or may not occur and en-bloc placement can not be expected.** In the final integrated seniority list of DEEs, Smt G.Madhavi(@198) is ranking fourth after Smt Ishrat Jahan(@194), next three candidates being Sri N.Prabhakar Rao (@195), Sri G.Durga Prasad (@196) & Smt K.Swaroopa Rani (@197). Sri N.Prabhakar Rao (@195) & Smt K.Swaroopa Rani (@197) belong to the feeder channel of M.A.Es. whereas Sri G.Durga Prasad (@196) belongs to the feeder channel of A.Es whose units of appointment are distinct and different. In view of the clarification given by the Hon'ble High Court in "G.Ramachandra Rao Vs Secretary to Govt, Water Resources Dept, AP. in WP No. 37131/2017 & Batch" her claim is not tenable and the (reckoning) date given to her holds good.

Objections by Sri S. Sampath Rao, Deputy Executive Engineer

Objection No 1 : In Provisional seniority list of Dy.EEs his place was wrongly shown at Sl. No. 32 instead of Sl. No. 25 as in the seniority list communicated earlier vide ENC(PH) letter dt.13-03-2017 ; In Dy.EEs Provisional integrated seniority list he is placed at Sl. No. 167 instead of Sl. No. 116

Reply : Seniority list dated 13.03.2017 is based on length of service. Apart from that several anomalies such as assigning notional dates in the Provisional lists itself without reviewing earlier panels took place which has become bone of contention in various WPs and finally in view of the direction of the Hon'ble High Court in IA No. 1 in WA No.361/2019 said Seniority List dated 13.03.2017 is not sustainable. Therefore, the notional/ reckoning date assigned to him in DEE cadre as per his position in the seniority list of initial cadre holds good.

Objection No 2 : I was shown below 13 Persons [one from Zone-5, 10 from Zone-6 & 2 from Zone-7].

Reply : As per seniority in the initial cadre of AEEs, corresponding due date in the DEE cadre is allowed. While effecting promotions to the Cadre of Deputy Executive Engineer from the initial cadre, candidates from all the feeder channels viz., AEE/AE/MAEE/MAE/TO find entry in the panel based on the slots allotted to respective categories in the Cycle. **Due to such interspersions, consecutive positions (for the batch mates coming from the same feeder channel) may or may not occur and en-bloc placement can not be expected.** Similarly, interspersions also takes place while preparing integrated seniority list from Zonal seniority lists. Of the 13 candidates cited (whose placement was objected to), Sri R.Yadagiri belongs to the feeder channel of MAEs. Balance 12 candidates belong to Zone-6 & Zone-7. As such their units of appointment are distinct and different. In view of the clarification given by the Hon'ble High Court in "G.Ramachandra Rao Vs Secretary to Govt, Water Resources Dept, AP. in WP No. 37131/2017 & Batch" his claim is not tenable and the (reckoning) date given to him holds good.

Objections by Sri M.Bhadraiah, Executive Engineer

Objection No 1 : In EE Seniority List his reckoning Date as EE has been mentioned as 28-10-2013 instead of 23-04-2009

Reply : Reckoning date is corrected as 19-05-2009 as per the seniority in the lower cadre.

Objections by Sri P.Suresh Kumar, Deputy Executive Engineer

Objection No 1 : To review the promotion as MAE with disability provision and enter the disabled category

Reply : Entry made accordingly

Objections by Smt K.Varalakshmi, Deputy Executive Engineer

Objection No 1 : Request to consider her date of notional/ reckoning in the cadre of Dy.EEs as 26-11-2008

Reply : As **Smt K.Varalakshmi** was repatriated under Presidential Order vide G.O.Ms. no. 1656 MA&UD dt 26-11-2008 from Zone-V to Zone-7(City Cadre), corresponding date in the initial cadre was given (in the year 2005) in terms of para 5 of G.O.Ms. No 419 MA&UD dept dt 12-06-2008 [*read with Rule 35(a) of the State & Subordinate Service Rules*] and accordingly reckoning date in the cadre of DEE is allowed. Hence the date given holds good.

Objections by Smt C.Srikanti, Deputy Executive Engineer

Objection No 1 : In earlier seniority list of Dy.EEs her name was shown at Sl. No. 74 but now placed at Sl. No. 121

Reply : As **Smt C.Srikanti** was repatriated under Presidential Order vide G.O.Ms. no. 1656 MA&UD dt 26-11-2008 from Zone-V to Zone-7(City Cadre), corresponding date in the initial cadre was given (in the year 2005) in terms of para 5 of G.O.Ms. No 419 MA&UD dept dt 12-06-2008 [*read with Rule 35(a) of the State & Subordinate Service Rules*] and accordingly reckoning date in the cadre of DEE is allowed. Hence the date given holds good.

Objections by Sri G.Sucharan, Deputy Executive Engineer

Objection No 1 : Request to rectify his date of notional /reckoning date as 01-02-2010 instead of 06-04-2013 in the integrated seniority list of Dy.EE's

Reply : DEE date is arrived at based on the seniority in the initial cadre and hence holds good.

Objections by Sri T.Laxma, Deputy Executive Engineer

Objection No 1 : To be placed above S.Srinivas (based on date of promotion as DEE on 04-04-2013)

Reply : Claim is considered and Sri T.Laxma is placed @ S.No. 46 in Final Zonal Seniority list of DEES & @ 107 in Integrated Seniority list) whereas Sri S.Srinivas is placed @ S.No. 49 in Final Zonal Seniority list & @ 110. As such he is placed above S.Srinivas.

Objections by Sri Sathpadi Sreenivasu, Executive Engineer

Objection No 1 : His name is shown ast Sl. No. 5 i.e., below Sri. M. Gangadhar shown at Sl. No. 4 in Zone V ; His notional/ reckoning date in the cadre of Dy.EE shall be 02-09-2007 since this date is given to Sri. M. Gangadhar who is junior to him.

Reply : Sri S.Srinivasu, was repatriated to his native zone under SPF and his seniority has been protected in the initial cadre w.r.t. his date of joining in terms of para 5 of G.O.Ms. No 419 MA&UD dept dt 12-06-2008 [*read with Rule 35(a) of the State & Subordinate Service Rules*]. Accordingly his due date of reckoning as DEE was given. Sri M.Gangadhar belongs to the feeder category of Municipal Assistant Engineers (MAEs); In the initial category, the unit of appointment is different for AEs and MAEs and hence their seniority can not be compared straightaway. While promoting AEs / MAEs / AEEs / MAEEs / TOs to the post of Deputy Executive Engineer, they will be placed in the respective slots (Cycle points) in the panel.

Objections by Sri Rodda Yadagiri, Deputy Executive Engineer

Objection No 1 : To place his name above M. Gangadhar

Reply : DEE date is arrived at based on the seniority in the initial cadre and hence holds good

Objections by Sri Mohd. Masood Ali, Deputy Executive Engineer

Objection No 1 : To place his name above R. Yadagiri

Reply : In the provisional seniority list of MAEs of Zone 5, the name of Sri R.Yadagiri (who belongs to SC Community) got omitted inadvertently. Based on the representation of Sri R.Yadagiri, his name was included @ S.No. 38 in the final seniority list of MAEs which was below the name of Sri Mohd. Masood Ali who was placed @ S.No. 37. Sri Md. Wahajuddin was placed @ S.No. 34 in the said list. However, during review Sri R.Yadagiri was placed @ Roster Point 41(SC) in the yearwise panel 2012-13 of DEEs as per his eligibility. The last candidate (from the feeder channel of MAEs) in the 2013-14 panel was Md. Wahajuddin (@ S.no. 34 in the final seniority list of MAEs) who was above Sri Mohd. Masood Ali (@ S.No. 37). As such Sri Mohd. Masood Ali was not covered in the yearwise panels of 2012-13, 2013-14. Hence the claim of Sri Mohd. Masood Ali is not tenable.

Objections by Sri S.Chandra Gopal, Superintending Engineer

Objection No 1 : claiming date 25.7.1987 in the cadre of DEE in Zone IV of erstwhile A.P.

Reply : The Zone IV under the erstwhile combined state of A.P. now comes under residuary state of Andhra Pradesh; Hence not considered in the present review

Objections by Sri S.Venkateswarlu, MAE

Objection No 1 : To place at s.no 39 as against 48

Reply : For candidates recruited through PSC, the merit list communicated is followed and accordingly date of commencement of probation is taken as reference date to maintain inter se seniority; hence his position holds good

Objections by Smt L.Rama Devi Executive Engineer

Objection No 1 : To omit the remarks pertaining to continuous deputation beyond 5 years

Reply : Action will be taken as may be decided by the Government

General Objections

Objection 1: Qualification not correctly entered

[given by Sri D.Lachiram, Executive Engineer, Sri R.Sreenivasa Rao AE, SmtD.Ashalatha, EE, Sri Y.Sayapa Reddy EE, Sri B.Mahender EE, Sri E.Nagender EE, Sri P.Durgaiah SE, Sri Sudershan DEE &EE(FAC), Sri S.narasimha Reddy EE, Sri P.V.Krishna Rao EE, SmtC.Srikanthi DEE, Sri K.Anjaiah DEE&EE(FAC), Sri G.K.D.Prasad EE, Sri M.Chinna Rao EE, Sri N.V.Anjaneya Prasad EE, Sri Mahabub Miya DEE]

Reply: The certificates submitted by the respective applicants are examined and their qualifications have been incorporated. However in respect of qualification of AMIE (Section A& Section B) certain variations were noticed in the certificates submitted by them and the same will be considered equivalent depending on the clarification issued by the Institution of Engineers. Regarding the qualifications obtained from the Deemed to be Universities, the same have been considered with reference to the clarifications issued by the concerned Authorities like Commissionerate of Higher Education, All India Council for Technical Education from time to time and the various judgments issued by the Hon'ble Supreme Court and Hon'ble High Courts.

Objection 2: Name not found in the Seniority List

[given by Sri T.Naveen Kumar, Sri T.NavyaJyothy, Sri D.Santhosh Kumar, Sri Syed Inayath Kareem, Sri Mushtaq Ahmed, Sri Abdul Gafoor working as MAE(Electrical)]

Reply: The names of MAE(Electrical) category can not be included in the MAE(Civil) category. As such separate seniority lists were subsequently published for the Category of MAE(Electrical)

Objection 3 : Date of Birth/Date of joining in the initial/present cadre not shown correctly

[given by Sri D.Lachiram, Executive Engineer, SmtD.Ashalatha, EE, Sri M.Praveen Kumar DEE, Sri B.Mahender EE, SmtT.Jyothrmayee EE, Sri E.Nagender EE, Sri G.Sridhar EE, Sri A.Manohar Rao DEE]

Reply: On verification of records, Respective dates have been allowed.

Objection 4 : To extend time for submission of objections till 19.08.2019

[given by Sri A.Krishna Lal DEE, Sri S.Sampat Rao DEE, Sri B.Mahender EE,]

Reply: Considered. Objections beyond the stipulated date (i.e upto the date of issuing final seniority list in the cadre of DEEs i.e., on 04.09.2019) were also taken into account and considered based on merits of individual representations.

(Copy of this memo is placed on the Website of Telangana PH&ME Dept and can be accessed @ publichealth.telangana.gov.in)

Sd/-
Engineer-in-Chief (PH)

To
The Individuals
through SE(PH) Warangal / SE(PH) West Circle

//ATTESTED//


Dy.Chief Engineer (PH)