

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

**WEDNESDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 34170 OF 2025

Between:

M.Venkateswarlu, S/o Sri M.P.Yogaiah, Aged about 47 years, Occ. MCM, FMS (Mechatronics), Ordnance Factory Medak, Ministry of Defence, Yeddumailaram - 502205, R/o Type II, Q.No. 22287, Ofcnance Factory Estate, Yeddumailaram PO, Sangareddy District, T.S.

...PETITIONER

AND

1. Union of India, Represented by its Chairman and DGOF, Ordnance Factory Board, Ministry of Defence, 10-A, S.K.Bose Road, Kolkata - 700001.
2. The Senior General Manager, Ordnance Factory, Ministry of Defence, Yeddumailaram P.O. - 502 205, Sangareddy District, T.S.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ or Direction or Order, more particularly one in the nature of Writ of certiorari to call for the records pertains to the order in OA/021/196/2019, dated 26/08/2024 passed by the Central Administrative Tribunal, Hyderabad Bench by declaring the same as illegal, arbitrary, unconstitutional and violation of Article 14, 16 and 309 of constitution of India and quash the same consequently direct the 1st respondent to appoint the petitioner for the post of Charge Man/ Technical (Chemical) w.e.f. 18/07/2012 with all consequential benefits

IA NO: 1 OF 2025

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 Factory Order No. 406, dated 17/10/2012 issued by the 2nd respondent while directing the respondents to reconsider the representation dated 04/07/2017 of the petitioner, pending disposal of main writ petition

Counsel for the Petitioner: SRI. K. RAM MURTHY

**Counsel for the Respondents: SRI UDAYASREE SADASIVUNI REP
SRI N. BHUJANGA RAO
Deputy Solicitor General of India**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

Writ Petition No.34170 of 2025

Order:

Heard Mr. K.Ram Murthy, learned counsel for the petitioner and Ms. Udayasree Sadasivuni, learned counsel representing Mr. N.Bhujanga Rao, learned Deputy Solicitor General of India for respondent No.1.

2. Petitioner applied for the post of Chargeman (Technical/Chemical) in pursuance of the Notification dated 09.08.2011, issued by respondent No.2. Against one unreserved vacancy for the said post, petitioner stood third in the merit list. The first candidate in the merit list opted for a different post. Therefore, the second candidate in the merit list being Mr. K.Jayapaul was promoted against the said vacancy. Thereafter, petitioner pursued his claim for being promoted in place of the

second meritorious candidate- Mr. K.Jayapaul, alleging that he was not qualified as he did not have the requisite B.Sc. degree. During the interregnum, the promotion of Mr. K.Jayapaul was kept in suspension by the interim order dated 12.03.2013, passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'the Tribunal), in O.A.No.298 of 2013. However, the said candidate- Mr. K.Jayapaul approached the learned Tribunal and upon consideration of his original degree certificate, the stay was vacated by the learned Tribunal by order dated 01.10.2013, passed in M.A.Nos.850 of 2013 and 687 of 2013 in O.A.No.298 of 2013. Mr. K.Jayapaul enjoyed the promotional post till he died on 25.02.2017. Petitioner herein sought for promotion as against the vacancy now created for the same post on the death of Mr. K.Jayapaul. This has been declined by the learned Tribunal by the impugned order

dated 26.08.2024. The relevant extract of the impugned order is reproduced hereunder:

“9. Heard both sides and perused the records.

10. The learned counsel for the applicant submits that the applicant had participated in the notification issued for filling up the vacancies of Chargemen (Technical & Non-Technical) through Limited Departmental Competitive Examination (LDCE) for the post Chargeman/T/Chemical. Since only one vacancy was notified, which was earmarked for unreserved category, the applicant successfully scored the meritorious marks and he was placed in Sl. No.2 of the merit list. The applicant has raised the objection over the candidate at Sl. No.1 Sri K Jayapaul. According to him, the applicant at Sr.1 was not qualified as he did not fulfil the educational criteria required under the said notification i.e. he did not obtain the required degree. Thereby, the applicant has submitted his detailed representation. However, the respondent department had considered the same. Hence, being aggrieved, the applicant has approached this Tribunal. In the earlier round of litigation, this Tribunal vide its order dated 15.11.2017, passed in O.A./298/2013, directed the respondents to consider the representation of the applicant and passed a detailed reasoned and speaking order. Also, the applicant's interest has been protected by way of interim order dated 06.12.2018 passed in C.P./54/2018. However, subsequently, when the promotion of the successful candidate at Sr.1 was promoted as Chargeman/T/Chemical was suspended, he approached this Tribunal and submitted his original degree certificate. Accordingly, this Tribunal has allowed his M.A./850/2013 & M.A./687/2013 vide its order dated 01.10.2013 and has vacated the interim stay granted. Subsequently, Sri K Jayapaul expired on 25.02.2017; therefore, the applicant has submitted another representation dated 04.09.2017. Thereafter, this Court has directed to consider the representation of the applicant. However, the respondents have rejected the applicant's representation. Therefore, being aggrieved, the applicant approached this Tribunal in the present O.A.

11. It is submitted by the learned counsel for the applicant that as such the applicant was a meritorious candidate and placed at Sr.2, being a meritorious candidate, he

is entitled to the said promotional post. Since the respondents have not considered the direction given by this Tribunal in earlier round of litigation, the applicant also filed a Contempt Petition No.54/2018. Accordingly, the respondents passed the speaking order dated 19.12.2018 and thereby, the C.P. has been closed.

12. On the other hand, the learned counsel for the respondents vehemently opposed the relief on the ground that mere death of the candidate will not give any right to consider the candidature of the next meritorious candidate that too after lapse of more than 6-7 years. Since the posts were filled up in the year 2011 and the panel drawn pursuant to the said selection lapsed, promotion cannot be given automatically. In earlier round of litigation when Court has granted interim relief in favor of the applicant and subsequently, when the facts were brought out by the private respondent Sri K Jayapaul, this Tribunal has considered his original degree certificate, and accordingly, vacated the Interim relief. Thereafter, the private respondent in the earlier O.A. Mr. K Jayapaul, has enjoyed his promotion till his death in 2017. The applicant, who stood at Sr.2, just because of the death of Mr. K Jayapaul, cannot be given promotion automatically, as the waiting list will be there only for one year and that too if the selected candidate has refused the promotion, only then promotion can go to the candidate next in the merit. In the instant case, that is not the position. First meritorious candidate accepted promotion, and he enjoyed the same till his death. It is not permissible to consider the case of the applicant for promotion after 6-7 year of the selection.

13. As such, we do not find any merit in the matter. Hence, no interference is called for. Accordingly, the O.A. is dismissed. There shall be no order as to costs."

3. Learned counsel for the petitioner submits that the promotion of the second meritorious candidate- Mr. K.Jayapaul was in question as he did not fulfill the educational criteria. Therefore, the petitioner's claim for

being promoted as against the same single vacancy ought to have been allowed by the learned Tribunal once Mr. K.Jayapaul expired on 25.02.2017.

4. We are unable to agree to the contention urged on behalf of the petitioner. The panel was created in 2011 with a life span of one year. The second meritorious candidate had joined the said post and during the pendency of the litigation, he died on 25.02.2017. Such vacancy, if any, created on the death of the incumbent, who had already joined, would not confer any right on the next candidate in the merit list *i.e.*, the petitioner. Moreover, the learned Tribunal had also considered the original degree certificate adduced by Mr. K.Jayapaul and vacated the interim suspension, by which his promotion was kept in abeyance.

5. In such circumstances, learned Tribunal rightly refused to allow the prayer of the petitioner for being promoted against the vacancy filled through Limited Departmental Competitive Examination in the year 2011 itself by the second meritorious candidate. We do not find any error in the impugned order dated 26.08.2024, passed by the learned Tribunal in O.A.No.298 of 2013.

6. The Writ Petition is devoid of merits and is, accordingly, dismissed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

SD/-A. JAYASREE
ASSISTANT REGISTRAR

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SECTION OFFICER

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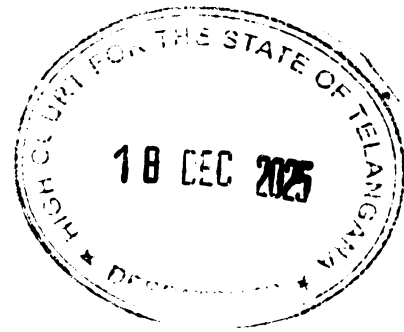
1. One CC to SRI. K. RAM MURTHY, Advocate [OPUC]
2. One CC to SRI. N BHUJANGA RAO, Deputy Solicitor General of India [OPUC]
3. Two CD Copies

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HIGH COURT

DATED:26/11/2025



ORDER

WP.No.34170 of 2025

DISMISSING THE WRIT PETITION WITHOUT COSTS

(5)

PA
8/12/25