

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

THURSDAY, THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

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

WRIT PETITION NO: 38227 OF 2025

Between:

T. Satya Narayana Murthy, S/o. Late Shri T. Surya Narayana Murthy, aged about 75 years, Occ Assistant Finance and Accounts Officer (Retd), O/o. ICAR -Central Tobacco Research Institute, Research Station, Opp New Mirchi Yard, G.T. Road, Guntur, R/o. Flat No.211, D Block, Concrete Vivanta, Sri Durga Colony, Madheenaguda, Miyapur, Hyderabad - 500049

...PETITIONER

AND

1. Union of India, rep by its Secretary, Indian Council of Agricultural Research (ICAR), Krishi Bhavan, New Delhi - 110 001
2. The Director, Central Tobacco Research Institute, Dr. N C. Gopala Chary Road, Bhaskar Nagar, Sri Ram Nagar Post, Rajahmundry -533105, Andhra Pradesh.

...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 any writ, order or direction particularly one in the nature of writ of CERTIORARY calling for records in connection with the order dated 30.09.2024 in O.A.No.879/2016 on the file of Central Administrative Tribunal, Hyderabad Bench and by quashing the same, allow the O.A. nullifying cancellation of promotion as Finance and Accounts Officer by order dated 28th April, 2016 as arbitrary illegal and unjust. Consequently direct the respondents to consider case for promotion at Hyderabad in ICAR Institutes with retrospective date from 1st January, 2016 i.e. the date on which his Junior has joined the post of F & AO in CMFRI, Cochin on promotion with all other consequential benefits, and attending benefits.

Counsel for the Petitioner: SRI G.SAIBABA, REP. Ms. A.V.S.LAXMI

Counsel for the Respondents: SRI N.BHUJANGA RAO,
DEPUTY SOLICITOR GENERAL OF INDIA

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

The Hon'ble The Chief Justice Sri Aparesh Kumar Singh

and

The Hon'ble Sri Justice G.M.Mohiuddin

Writ Petition No.38227 of 2025

Dated: 12.02.2026

Between:

T.Satyanarayana Murthy

...Petitioner

and

Union of India,
Rep. by its Secretary,
Indian Council of Agricultural Research (ICAR)
New Delhi and another

...Respondent

Order:

Mr. G.Saibaba, learned counsel represents Ms. A.V.S.Laxmi,
learned counsel for the petitioner and Mr. N.Bhujanga Rao, learned
Deputy Solicitor General of India appears for Union of India.

2. This Writ Petition is filed for the following relief:

“to issue any writ order or direction particularly one in the nature of writ of certiorari calling for records in connection with the order dated 30.09.2024 in O.A.No.879/2016 on the file of Central Administrative Tribunal, Hyderabad Bench, and by quashing the same, allow the OA nullifying cancellation of promotion as Finance and Accounts Officer by order dated 28th April, 2016, as arbitrary, illegal and unjust. Consequently, direct the respondents to consider case for promotion at Hyderabad in ICAR Institutes with retrospective date from 1st January, 2016 i.e., the date on which his Junior has joined the post of F&AO in CMFRI, Cochin on promotion with all other consequential benefits and attending benefits.”

3. The impugned order reads as under:

"By this Original Application, the applicant is seeking the following relief(s):

"That this Hon'ble Tribunal may be pleased to call for the records pertaining to office Memorandum order No. F No.Admn./17-12/2014 estt. dt. 28th April, 2016 along with office order dt.30.12.2015, Memorandum dt. 3.3.2016 promoting the applicant to the post of Finance & Accounts Officer and consequently declare the action on the part of the respondents in cancelling the promotion of the applicant as Finance & Accounts Officer by order dt. 28th April, 2016 as arbitrary, illegal and unjust and accordingly set aside the same. Consequently direct the respondents to consider the request of the applicant for posting him on promotion at Hyderabad in ICAR Institutes. And accordingly pay him all other consequential benefits which the applicant is eligible and entitled to and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice."

Dr. P B Vijay Kumar, learned counsel, appeared for the applicant.

2. Mr. B Pavan Kumar, learned Advocate, represented the respondents' counsel.

3. When the matter has been taken up for consideration, the learned counsel for the applicant submitted that the applicant was promoted to the post of Finance and Accounts Officer vide Order dt. 30.12.2015, however, the applicant made Representation dt. 11.01.2016, requesting the respondents to post him at Hyderabad. Thereafter, on 03.03.2016, the respondents issued Memorandum asking the applicant to report for duty, however, the applicant made another Representation dt.10.03.2016 to post him at Hyderabad in view of domestic problem. At this stage, vide Order dt.28.04.2016, the respondents cancelled the promotion granted to the applicant. Aggrieved over the same, the applicant approached this Tribunal by filing this OA.

4. Notices were issued to the respondents, however, reply was not filed. Therefore, the right of filing reply was forfeited by this Tribunal's Order dt. 26.02.2020.

5. Today, the learned counsel appeared for the applicant fairly submitted that the applicant was 57 years old, when this OA was filed. During pendency of the OA, the applicant retired on superannuation. Therefore, the OA has become infructuous.

6. It is to be noted that the employees do not have any right to claim posting as per their wish, either on transfer or on promotion.

7. In view of the above, as the applicant retired from service, nothing survives for adjudication by this Tribunal in the present case. Accordingly, the OA is dismissed as infructuous. There shall be no order as to costs.”

4. The petitioner has assailed it on the ground that the relief prayed for in the Original Application, filed against cancellation of his promotion *vide* impugned order dated 28.04.2016, did not become infructuous due to retirement of the petitioner (applicant).

5. Learned Tribunal apparently recorded a submission of the counsel representing the petitioner (applicant) to dispose of the OA as infructuous.

6. In view of the aforesaid submission and the categorical statement recorded at Para 5 of the impugned order, we are of the view that if the petitioner is questioning the statement made by his counsel before the learned Tribunal, he should approach the learned Tribunal seeking review of the impugned order. What has been recorded in a judicial order cannot be ignored or doubted by this Court in writ jurisdiction.

7. Learned counsel for the petitioner, therefore, seeks liberty to prefer a review before the learned Tribunal.

8. The instant Writ Petition is accordingly disposed of with the aforesaid liberty. Let it be made clear that we have not gone into the merits of the contention of the petitioner. No costs.

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

//TRUE COPY//

SD/-A.H.S. GOWRI SHANKAR
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Secretary, Indian Council of Agricultural Research (ICAR), Krishi Bhavan, New Delhi, Union of India - 110 001
2. The Director, Central Tobacco Research Institute, Dr. N C. Gopala Chary Road, Bhaskar Nagar, Sri Ram Nagar Post, Rajahmundry -533105, Andhra Pradesh.
3. One CC to Ms. A.V.S.LAXMI, Advocate [OPUC]
4. One CC to SRI N.BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
5. Two CD Copies

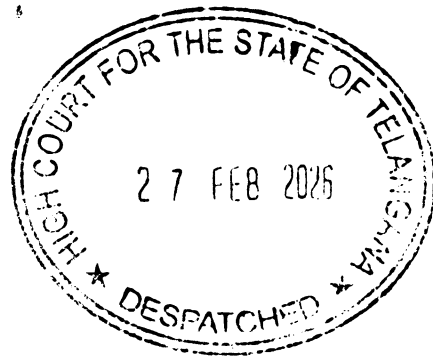
BSR
BS
pmg.

HIGH COURT

DATED: 12/02/2026

ORDER

WP.No.38227 of 2025



**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

(7) mg.
26/2/26.