

[3488]

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

FRIDAY, THE NINETEENTH DAY OF JUNE
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 Nos.17896, 17941, 18033 AND 18269 OF 2025

WP NO: 17896 OF 2025

Between:

B. Madhu Bindu, D/o. B.Ashok, Aged 39 years, Occ. Assistant Executive Engineer (AEE) O/o. Chief Engineer (Irrigation and CAD), Jala Soudha, Erra Manzil, Hyderabad, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Irrigation and Command Area Development (landCAD), Dr.B.R.Ambedkar Secretariat, Hyderabad. Telangana State.
2. The State of Andhra Pradesh, Represented by its Principal Secretary, Water Resources Department, Secretariat Buildings at Velagapudi, Amaravati, Guntur District.
3. The Engineer-in-Chief, (Administration Wing), Jala Soudha Building, Errummanzil, Hyderabad.
4. The Engineer-in-Chief, (Administration Wing), Water Resources Department, State of Andhra Pradesh. Currency Nagar. Vijayawada. NTR District, 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 a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents in placing the petitioner at Sl. No. 1358 in the seniority list of Assistant Executive Engineers prepared by 3rd

respondent vide Circular Memo No. RC/ENC/A1/110/2024, dated 29.04.2025, by treating the date of commencement of petitioner's probation as 20.09.2018, instead of placing the petitioner as the last candidate of the 2012 PSC Recruitment Batch in terms of Clause (h), Para 6 of the Inter-State Transfer Policy issued under Circular Memo No. 9940/SPF-MC/2015, dated 07.08.2017, as illegal, arbitrary, discriminatory, and violative of Articles 14, 16 and 21 of the Constitution of India. Consequently direct the respondents herein to place the petitioner at the last rank of regularly recruited candidates of 2012-PSC Recruitment Batch i.e., at Sl.No.488 in the seniority list of Assistant Executive Engineers prepared vide Circular Memo No.RC/ENC/A1/110/2024 dt.29.04.2025, with all consequential attendant benefits.

I.A. 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 direct the respondents herein to consider the case of petitioner for placing the petitioner at the last rank of regularly recruited candidates of 2012-PSC Recruitment Batch in the provisional seniority list prepared vide Circular Memo No.RC/ENC/A1/110/2024 dt.29.04.2025, pending disposal of the above writ petition.

I.A. NO: 2 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 direct the respondents herein not to effect promotions, not to implement the provisional seniority list prepared vide Circular Memo No.RC/ENC/A1/110/2024 dt.29.04.2025, till placing the petitioner at the last rank of regularly recruited candidates of 2012-PSC Recruitment Batch, pending disposal of the above writ petition.

Counsel for the Petitioner: Ms. S.V.INDIRA

Counsel for the Respondent No.1 & 3:

SRI SANTHAPUR SATYANARAYANA RAO, GP FOR SERVICES-I

**Counsel for the Respondent No.2 & 4: SRI B.RAJESHWAR REDDY,
GP FOR STATE OF A.P.,**

WP NO: 17941 OF 2025**Between:**

M.Sunitha, W/o. Dandu Rajasekhar, Aged 38 years, Occ Assistant Executive Engineer (AEE) at O/o. Deputy Executive Engineer, Irrigation Sub-Division No.6, Narsapur, Telangana State.

...PETITIONER**AND**

1. The State of Telangana, Represented by its Principal Secretary, Irrigation and Command Area Development (I and CAD), Dr.B.R.Ambedkar Secretariat, Hyderabad, Telangana State.
2. The State of Andhra Pradesh, Represented by its Principal Secretary, Water Resources Department, Secretariat Buildings at Velagapudi, Amaravati, Guntur District.
3. The Engineer-in-Chief (Administration Wing), Jalasoudha Building, Errummanzil, Hyderabad.
4. The Engineer-in-Chief (Administration Wing), Water Resources Department, State of Andhra Pradesh, Currency Nagar, Vijayawada, NTR District, 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 a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents in placing the petitioner at Sl. No. 1356 in the seniority list of Assistant Executive Engineers prepared by 3rd respondent vide Circular Memo No. RC/ENC/A1/110/2024, dated 29.04.2025, by treating the date of commencement of petitioner's probation as 01.08.2018, instead of placing the petitioner as the last candidate of the 2013 PSC Recruitment Batch in terms of Clause (h), Para 6 of the Inter-State Transfer Policy issued under Circular Memo No. 9940/SPF-MC/2015, dated 07.08.2017, as illegal, arbitrary, discriminatory, and violative of Articles 14, 16 and 21 of the Constitution of India, Consequently direct the respondents herein to place the petitioner at the last rank of regularly recruited candidates of 2013-PSC Recruitment Batch, in the seniority list of Assistant Executive Engineers prepared vide Circular Memo No.RC/ENC/A1/110/2024 dt.29.04.2025, with all consequential attendant benefits.

I.A. 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 direct the respondents herein to consider the case of petitioner for placing the petitioner at the last rank of regularly recruited candidates of 2013-PSC Recruitment Batch in the provisional seniority list prepared vide Circular Memo No.RC/ENC/A1/110/2024 dt.29.04.2025, pending disposal of the above writ petition.

I.A. NO: 2 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 direct the respondents herein not to effect promotions, not to implement the provisional seniority list prepared vide Circular Memo No.RC/ENC/A1/ 110/ 2024 dt.29.04.2025, till placing the petitioner at the last rank of regularly recruited candidates of 2013-PSC Recruitment Batch, pending disposal of the above writ petition.

Counsel for the Petitioner: Ms. S.V.INDIRA

Counsel for the Respondent No.1 & 3:

SRI SANTHAPUR SATYANARAYANA RAO, GP FOR SERVICES-I

**Counsel for the Respondent No.2 & 4: SRI B.RAJESHWAR REDDY,
GP FOR STATE OF A.P.,**

WP NO: 18033 OF 2025

Between:

Yerra Savitha, W/o. E.Kishore Kumar, Aged 43 years, Occ. Assistant Executive Engineer (AEE), At T.G.Engineering Research Laboratories, Himayat Sagar, Hyderabad, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Irrigation and Command Area Development (land CAD), Dr.B.R.Ambedkar Secretariat, Hyderabad, Telangana State.
2. The State of Andhra Pradesh,, Represented by its Principal Secretary, Water Resources Department, Secretariat Buildings at Velagapudi, Amaravati, Guntur District.

3. The Engineer-in-Chief (Administration Wing),, Jalasoudha Building, Errummanzil, Hyderabad.
4. The Engineer-in-Chief (Administration Wing),, Water Resources Department, State of Andhra Pradesh, Currency Nagar, Vijayawada, NTR District, 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 a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents in placing the petitioner at Sl. No. 1359 in the seniority list of Assistant Executive Engineers prepared by 3rd respondent vide Circular Memo No. RC/ENC/A1/110/2024, dated 29.04.2025, by treating the date of commencement of petitioner's probation as 20.09.2018, instead of placing the petitioner as the last candidate of the 2013 PSC Recruitment Batch in terms of Clause (h), Para 6 of the Inter-State Transfer Policy issued under Circular Memo No. 9940/SPF-MC/2015 dated 07.08.2017, as illegal, arbitrary, discriminatory, and violative of Articles 14, 16 and 21 of the Constitution of India, Consequently direct the respondents herein to place the petitioner at the last rank of regularly recruited candidates of 2013-PSC Recruitment Batch, in the seniority list of Assistant Executive Engineers prepared vide Circular Memo No. RC/ENC/A1/110/2024 dt.29.04.2025, with all consequential attendant benefits.

I.A. 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 direct the respondents herein not to effect promotions, not to implement the provisional seniority list prepared vide Circular Memo No. RC/ENC/A1/110/2024 dt.29.04.2025, till placing the petitioner at the last rank of regularly recruited candidates of 2013-PSC Recruitment Batch, pending disposal of the above writ petition.

I.A. NO: 2 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 direct the respondents herein to consider the case of petitioner for placing the petitioner at the

last rank of regularly recruited candidates of 2013-PSC Recruitment Batch in the provisional seniority list prepared vide Circular Memo No.RC/ENC/A1/110/ 2024 dt.29.04.2025, pending disposal of the above writ petition.

Counsel for the Petitioner: Ms. S.V.INDIRA

Counsel for the Respondent No.1 & 3:

SRI SANTHAPUR SATYANARAYANA RAO, GP FOR SERVICES-I

**Counsel for the Respondent No.2 & 4: SRI B.RAJESHWAR REDDY,
GP FOR STATE OF A.P.,**

WP NO: 18269 OF 2025

Between:

M.Bhagya Sree, W/o. M. Sreedhar, Aged 35 years, Occ- Assistant Executive Engineer, Presently working at Irrigation Sub-Division No. 6, Thoguta of Division No. 6, Gajwel, Siddipet District, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Irrigation and Command Area Development (I and CAD). Dr.B.R.Ambedkar Secretariat, Hyderabad, Telangana State.
2. The State of Andhra Pradesh, Represented by its Principal Secretary, Water Resources Department, Secretariat Buildings at Velagapudi. Amaravati, Guntur District.
3. The Engineer-in-Chief (Administration Wing), Jalasoudha Building, Errummanzil, Hyderabad.
4. The Engineer-in-Chief (Administration Wing), Water Resources Department, State of Andhra Pradesh, Currency Nagar, Vijayawada. NTR District, 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 a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents in placing the petitioner at Sl. No. 1357 in the seniority list of Assistant Executive Engineers prepared by 3rd respondent vide Circular Memo No. RC/ENC/A1/110/2024, dated 29.04.2025, by treating the date of commencement of petitioners probation as 01.08.2018, instead

of placing the petitioner as the last candidate of the 2013 PSC Recruitment Batch in terms of Clause (h), Para 6 of the Inter-State Transfer Policy issued under Circular Memo No. 9940/SPF-MC/2015, dated 07.08.2017, as illegal, arbitrary, discriminatory, and violative of Articles 14, 16 and 21 of the Constitution of India, Consequently direct the respondents herein to place the petitioner at the last rank of regularly recruited candidates of 2013-PSC Recruitment Batch in the seniority list of Assistant Executive Engineers prepared vide Circular Memo No.RC/ENC/A1/110/2024 dt.29.04.2025, with all consequential attendant benefits.

I.A. 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 direct the respondents herein to consider the case of petitioner for placing the petitioner at the last rank of regularly recruited candidates of 2013-PSC Recruitment Batch in the provisional seniority list prepared vide Circular Memo No. RC/ENC/A1/110/2024 dt.29.04.2025, pending disposal of the above writ petition.

I.A. NO: 2 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 direct the respondents herein not to effect promotions to implement the provisional seniority list prepared vide Circular Memo No. RC/ENC/A1/110/2024 dt.29.04.2025, till placing the petitioner at the last rank of regularly recruited candidates of 2013-PSC Recruitment Batch, pending disposal of the above writ petition pending disposal of the above writ petition.

Counsel for the Petitioner: Ms. S.V.INDIRA

Counsel for the Respondent No.1 & 3:

SRI SANTHAPUR SATYANARAYANA RAO, GP FOR SERVICES-I

**Counsel for the Respondent No.2 & 4: SRI B.RAJESHWAR REDDY,
GP FOR STATE OF A.P.,**

The Court made the following: COMMON 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 Nos.17896, 17941, 18033 and 18269 of 2025

DATE: 19.06.2026

Writ Petition No.17896 of 2025

Between:

B. Madhu Bindu

....Petitioner

AND

The State of Telangana,
Represented by its Principal Secretary,
Irrigation and Command Area
Development (I & CAD) and 3 others.

....Respondents

Writ Petition No.17941 of 2025

Between:

M.Sunitha

....Petitioner

AND

The State of Telangana,
Represented by its Principal Secretary,
Irrigation and Command Area
Development (I & CAD) and 3 others.

....Respondents

Writ Petition No.18033 of 2025

Between:

Yerra Savitha

....Petitioner

AND

The State of Telangana,
 Represented by its Principal Secretary,
 Irrigation and Command Area
 Development (I & CAD) and 3 others.

....Respondents**Writ Petition No.18269 of 2025**

Between:

M.Bhagya Sree

....Petitioner

AND

The State of Telangana,
 Represented by its Principal Secretary,
 Irrigation and Command Area
 Development (I & CAD) and 3 others.

....Respondents**COMMON ORDER**

Since the issues that arise in the above Writ Petitions arise out of common question of law regarding the fixation of seniority for government employees who were granted an interstate transfer on mutual request from the State of Andhra Pradesh to the State of Telangana following the bifurcation in 2014, these matters are being disposed of by this common order.

2. W.P.No.17896 of 2025, is filed under Article 226 of the Constitution of India, with the following prayer:-

"....to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents in placing the petitioner at Sl. No.1358 in the seniority list of Assistant Executive Engineers prepared by 3rd respondent vide Circular Memo No.RC/ENC/A1/ 110/2024, dated 29.04.2025, by treating the date of commencement of petitioner's probation as 20.09.2018, instead of placing the petitioner as the last candidate of the 2012 PSC Recruitment Batch in terms of Clause (h), Para 6 of the Inter-State Transfer Policy issued under Circular Memo No. 9940/SPF-MC/2015, dated 07.08.2017, as illegal, arbitrary, discriminatory, and violative of Articles 14, 16 and 21 of the Constitution of India, Consequently direct the respondents herein to place the petitioner at the last rank of regularly recruited candidates of 2012-PSC Recruitment Batch i.e., at Sl.No.488 in the seniority list of Assistant Executive Engineers vide prepared Circular Memo No.RC/ENC/A1/110/2024 dt.29.04.2025, with all consequential attendant benefits and pass...."

- 3.** W.P.No.17941 of 2025, is filed under Article 226 of the Constitution of India, with the following prayer:-

"....to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents in placing the petitioner at Sl. No. 1356 in the seniority list of Assistant Executive Engineers prepared by 3rd respondent vide Circular Memo No. RC/ENC/A1/110/2024, dated 29.04.2025, by treating the date of commencement of petitioner's probation as 01.08.2018, instead of placing the petitioner as the last candidate of the 2013 PSC Recruitment Batch in terms of Clause (h), Para 6 of the Inter-State Transfer Policy issued under Circular Memo No. 9940/SPF-MC/2015, dated 07.08.2017, as illegal, arbitrary, discriminatory, and violative of Articles 14, 16 and 21 of the Constitution of India, Consequently direct the respondents herein to place the petitioner at the last rank of regularly recruited candidates of 2013-PSC Recruitment Batch, in the seniority list of Assistant Executive Engineers prepared vide Circular Memo No.RC/ENC/A1/110/2024 dt.29.04.2025, with all consequential attendant benefits and pass....."

- 4.** W.P.No.18033 of 2025, is filed under Article 226 of the Constitution of India, with the following prayer:-

"....to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents in placing the petitioner at Sl. No. 1359 in the seniority list of Assistant Executive Engineers prepared by 3rd respondent vide Circular Memo No. RC/ENC/A1/110/2024, dated 29.04.2025, by treating the date of commencement of petitioner's probation as 20.09.2018, instead of placing the petitioner as the last candidate of the 2013 PSC Recruitment Batch in terms of Clause (h), Para 6 of the Inter-State Transfer

Policy issued under Circular Memo No. 9940/SPF-MC/2015 dated 07.08.2017, as illegal, arbitrary, discriminatory, and violative of Articles 14, 16 and 21 of the Constitution of India, Consequently direct the respondents herein to place the petitioner at the last rank of regularly recruited candidates of 2013-PSC Recruitment Batch, in the seniority list of Assistant Executive Engineers prepared vide Circular Memo No.RC/ENC/A1/110/2024 dt.29.04.2025, with all consequential attendant benefits and pass...."

5. W.P.No.18269 of 2025, is filed under Article 226 of the Constitution of India, with the following prayer:-

"....to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents in placing the Engineers prepared by 3rd respondent vide Circular Memo No. petitioner at Sl. No. 1357 in the seniority list of Assistant Executive RC/ENC/A1/110/2024, dated 29.04.2025, by treating the date of commencement of petitioner's probation as 01.08.2018, instead of placing the petitioner as the last candidate of the 2013 PSC Recruitment Batch in terms of Clause (h), Para 6 of the Inter-State Transfer Policy issued under Circular Memo No. 9940/SPF-MC/2015, dated 07.08.2017, as illegal, arbitrary, discriminatory, and violative of Articles 14, 16 and 21 of the Constitution of India, Consequently direct the respondents herein to place the petitioner at the last rank of regularly recruited candidates of 2013-PSC Recruitment Batch in the seniority list of Assistant Executive Engineers prepared vide Circular Memo No.RC/ENC/A1/110/2024 dt.29.04.2025, with all consequential attendant benefits and pass...."

6. Heard Ms. S.V.Indira, learned counsel for the petitioners, Sri Santhapur Satyanarayana Rao, learned Government Pleader for Services-I appearing for respondent Nos.1 and 3, Sri B.Rajeshwar Reddy, learned Government Pleader appearing for State of Andhra Pradesh for respondent Nos.2 and 4 and perused the record.

Factual Matrix (in brief)

7. The petitioners were appointed as direct recruit Assistant Executive Engineers (AEEs) through the Andhra Pradesh Public Service Commission (APPSC) in the erstwhile State of Andhra

Pradesh. Petitioner No.1 (B. Madhu Bindu) belongs to the 2012 APPSC recruitment batch, while petitioner Nos.2 to 4 (M. Sunitha, Yerra Savitha and M. Bhagya Sree) belong to the 2013 APPSC recruitment batch. Though all the petitioners are natives/local candidates of the Telangana region falling within Zone-VI, they were appointed against non-local vacancies and allotted to Zone-IV in the Andhra Pradesh region under the Irrigation and Command Area Development Department. Upon appointment, they joined service in the years 2012/2014, successfully completed probation in their respective cadres, and continued to discharge their duties without any adverse remarks.

8. Following the bifurcation of the erstwhile State of Andhra Pradesh and the formation of the State of Telangana with effect from 02.06.2014 under the Andhra Pradesh Reorganisation Act, 2014, (for short 'Reorganisation Act') the issue of allocation and transfer of employees belonging to local, zonal and multi-zonal cadres arose.

9. Pending formulation of a comprehensive interstate transfer policy following the bifurcation of the State, employees who were natives of Telangana but allotted to zones in Andhra Pradesh were continued in Telangana on a deemed deputation basis, while employees native to Andhra Pradesh working in Telangana were repatriated to the residuary State of Andhra Pradesh. Thereafter,

the Governments of Andhra Pradesh and Telangana jointly issued Circular Memo No.9940/SPF&MC/2015 dated 07.08.2017, prescribing guidelines for interstate transfer of Government employees and local cadre employees between the two States. The said guidelines were framed keeping in view the provisions contained in Paragraphs 5(2)(c) and 5(2)(d) of the Presidential Order issued in G.O.Ms.No.674 dated 18.10.1975 and provided a one-time opportunity for interstate transfers on spouse and mutual-transfer basis.

10. Availing the said policy, the petitioners submitted applications through proper channel seeking permanent transfer to the State of Telangana on mutual basis. In the applications so submitted, each of the petitioners furnished a specific undertaking as contemplated under Clause (h) of Paragraph 6 of the Joint Guidelines, unequivocally agreeing to *"take last rank next to the last regular candidate in the new State"* and to *"forego seniority/lien in the existing State."*

11. Acting upon such requests, the Government of Andhra Pradesh issued separate Government Orders, including G.O.Ms.Nos.52, 59, 92 and 93 dated 26.06.2018, approving the interstate mutual transfers of the petitioners. Subsequently, corresponding proceedings were issued by the competent authorities in the State of Telangana accepting and recognizing

their transfers. Consequently, the petitioners were formally relieved from the State of Andhra Pradesh and permanently absorbed in the State of Telangana, with effect from dates ranging between 01.08.2018 and 20.09.2018.

12. Subsequently, the 3rd respondent undertook the exercise of preparation of an integrated seniority list in the cadre of Assistant Executive Engineers. A provisional seniority list was initially circulated inviting objections, and thereafter a final integrated seniority list was published *vide* Circular Memo No.RC/ENC/A1/110/2024 dated 29.04.2025. In the said final seniority list, the petitioners were assigned Sl.Nos.1358, 1356, 1359 and 1357 respectively. While fixing their seniority, the respondents treated the dates of commencement of their probation in the State of Telangana, namely August/September, 2018, as the relevant dates for seniority and consequently placed them below the candidates recruited through the 2018 APPSC recruitment process.

13. Aggrieved by their placement in the final integrated seniority list, the petitioners submitted objections contending that, in terms of Clause (h) of Paragraph 6 of the Joint Guidelines dated 07.08.2017, they ought to have been assigned seniority immediately below the last regular candidate of their respective original APPSC recruitment batches, namely the 2012 batch in the

case of B. Madhu Bindu and the 2013 batch in the case of M. Sunitha, Yerra Savitha and M. Bhagya Sree, rather than being placed below the 2018 recruitment batch.

14. As their objections were not accepted and the final seniority list dated 29.04.2025 continued to reflect the impugned placement, the petitioners have instituted the present writ petitions seeking a declaration that the said seniority list is illegal, arbitrary and contrary to the Interstate Transfer Guidelines dated 07.08.2017, and for a consequential direction to assign them seniority as the last candidates of their respective original recruitment batches with all attendant service benefits.

Submissions on behalf of the petitioners

15. Learned counsel for the petitioners, has advanced the following submissions:

- i) That the action of the respondents is contrary to Clause (h) of Paragraph 6 of the Joint Guidelines contained in Circular Memo No.9940/SPF&MC/2015 dated 07.08.2017. It was submitted that the expression "*assigned last rank next to the last regular candidate in the new State*" must be construed harmoniously with the object of the interstate transfer policy and cannot be interpreted so as to obliterate the petitioners' original recruitment identity. According to the learned counsel, the petitioners, having been recruited through the

APPSC in the years 2012 and 2013 in the erstwhile undivided State of Andhra Pradesh, ought to have been placed immediately below the last regular candidates of their respective recruitment batches, namely the 2012 and 2013 PSC batches, instead of being pushed below the 2018 direct recruitment batch in Telangana.

- ii) That the State was bifurcated on 02.06.2014, whereas the interstate transfer policy was formulated only on 07.08.2017 and the actual transfers were effected during the year 2018. The delay of nearly three to four years in framing and implementing the transfer mechanism was entirely attributable to the administration and not to the petitioners. It was therefore argued that the petitioners cannot be penalized by way of loss of seniority on account of such administrative delay, particularly by placing them below officers recruited in the year 2018, who entered service substantially later than the petitioners.
- iii) That a direct recruit can be regarded as a “regular candidate” only upon successful completion of probation and declaration thereof. It was argued that, on the dates when the petitioners were permanently transferred and absorbed in the State of Telangana during August/September, 2018, the candidates of the 2018 direct recruitment batch had

neither acquired regular status nor completed probation. Consequently, the 2018 recruits could not have been treated as the "last regular candidates" for the purpose of assigning seniority under Clause (h) of Paragraph 6 of the Joint Guidelines.

- iv) Placing reliance upon the judgment of a Coordinate Bench of this Court in W.P.No.17258 of 2020, dated 14.12.2020, learned counsel submitted that this Court had recognized that although an employee transferred on request may lose seniority in the transferee unit, the experience and service rendered in the parent unit cannot be completely ignored, particularly for purposes of promotional eligibility. According to the learned counsel, the principle underlying the said decision is that prior service cannot be rendered nugatory merely because an employee has sought transfer pursuant to the reorganisation of the State.
- v) That similarly situated employees in other State instrumentalities and departments, including TSTRANSCO and the Telangana Rural Water Supply and Sanitation Department (RWS&S), were granted the benefit of placement at the end of their original recruitment batches after interstate transfer. Such instances, according to the learned counsel, demonstrate a consistent administrative

understanding of Clause (h) and support the claim advanced by the petitioners.

- vi) That the impugned action of placing the petitioners below officers recruited nearly six years after them is manifestly arbitrary, discriminatory and violative of Articles 14, 16 and 21 of the Constitution of India. It was submitted that such placement virtually effaces a substantial part of the petitioners' regular service career and seriously prejudices their future promotional prospects, thereby adversely affecting their service rights and livelihood.

Submissions on behalf of the respondents

16. Learned counsel for the respondents, has advanced the following submissions:

- i) That the petitioners had voluntarily and unconditionally undertaken, while seeking interstate transfer under the Joint Guidelines, to accept the "*last rank next to the last regular candidate*" in Telangana and to forgo their seniority and lien in the erstwhile State of Andhra Pradesh. It was contended that the transfer orders were issued on the basis of such undertakings and, having availed the benefit of transfer, the petitioners are estopped from challenging the conditions governing the same.

- ii) That Clause 6(h) of the Joint Guidelines is plain, explicit and admits of no ambiguity. The provision expressly stipulates that an employee transferred on request shall be assigned the last rank next to the last regular candidate in the new State. Since the petitioners were permanently absorbed in the State of Telangana during the year 2018, the last regular candidates available in the Telangana cadre at the relevant point of time belonged to the 2018 direct recruitment batch. Therefore, according to the respondents, the impugned placement strictly conforms to the terms of the policy jointly framed by both successor States.
- iii) Reliance was also placed upon Rule 35(b) of the Andhra Pradesh State and Subordinate Service Rules, 1996 (for short '1996 Rules'), which provides that where a member is transferred on his own request from one unit of appointment to another, his seniority shall be determined with reference to the date of joining duty in the latter unit. It was submitted that the statutory rule expressly disentitles the petitioners from claiming seniority in the Transferee State on the basis of their earlier service in the parent State and constitutes a complete answer to the claim for notional seniority.
- iv) That the alleged benefits extended to employees of TSTRANSCO and RWS&S departments were merely

administrative decisions governed by distinct rules, cadre structures and administrative requirements. It is contended that such executive decisions cannot constitute binding precedents capable of creating an enforceable legal right in favour of the petitioners. The respondents further argued that Article 14 of the Constitution does not envisage the application of the doctrine of negative equality and that any alleged benefit granted elsewhere cannot be relied upon to perpetuate an illegality, if any.

- v) That the impugned seniority fixation is in strict conformity with Clause 6(h) of the Joint Guidelines read with Rule 35(b) of the Service Rules and has been uniformly applied to all employees who sought interstate transfer on request. Since all similarly situated AEEs have been placed below the 2018 recruitment batch, it was contended that no discrimination arises and that the policy serves the legitimate objective of ensuring certainty and uniformity in seniority determination.

17. We have taken note of the respective submissions urged and the material on record.

18. The core issue that arises for determination is, whether the petitioners, having obtained permanent interstate transfer to the State of Telangana on their own request and upon furnishing undertakings to take rank next to the last regular candidate in the

transferee State and to forgo their seniority in the parent State, are entitled to claim placement in the seniority list with reference to their original recruitment batches of 2012 and 2013, or whether their seniority has rightly been fixed below the last regular candidate in the State of Telangana in accordance with Clause 6(h) of the Joint Guidelines and the applicable service rules?

Consideration by this Court

19. Before advertng to the issues, it is pertinent to note that the Doctrine of Election and the Principle of Estoppel apply with full force to the facts of the present case. It is well settled in service jurisprudence that a transfer sought on personal request constitutes a concession or benefit extended by the employer and is ordinarily governed by the conditions subject to which such benefit is granted. In the present case, the petitioners consciously opted for interstate transfer to the State of Telangana under the Joint Guidelines dated 07.08.2017 and, as a condition precedent thereto, furnished specific undertakings agreeing to forego their seniority and lien in the erstwhile State of Andhra Pradesh and to take rank next to the last regular candidate in the transferee State. The transfer orders were admittedly issued on the strength of such undertakings.

20. The petitioners having voluntarily exercised the option of transfer and secured the benefit flowing therefrom cannot now be

permitted to question the very conditions on which the transfer was granted. The petitioners made an informed and unequivocal election to prioritize their transfer to the State of Telangana over the retention of their accrued seniority in the parent State. Having accepted and acted upon the benefit, they are estopped from resiling from the consequences that naturally flow from their undertaking. Any such attempt would offend the well-established doctrine that a party cannot approbate and reprobate, while accepting the beneficial part of a transaction and simultaneously repudiating its attendant obligations. Thus, the petitioners cannot be permitted to avoid the consequences of the undertakings voluntarily furnished by them as consideration for the grant of interstate transfer.

21. The principal contention of the petitioners rests upon their interpretation of Clause 6(h) of the Joint Guidelines. It is therefore apposite to extract the said provision:

6. The committee after detailed deliberations recommended the following guidelines to consider interstate transfer of Local Cadre (District /Zone/Multi Zonal) and State cadre employees on spouse grounds / criteria and on mutual basis and the same are accepted by the Government of Andhra Pradesh and Government of Telangana for implementation. Accordingly, the following Guidelines are issued.

(a) ****

(b) ****

(c) ****

(d) ****

(e) ****

(f) ****

(g) ****

(h) *Employees transferred on request shall be assigned last rank next to the last regular candidate in the new State as is*

being done in case of inter-local cadre transfers under Para 5(2) (c) & 5(2) (d) of Presidential Order and also the employee should forego seniority/lien in the existing State.

(i) ****

(j) ****

(l) ****

(m) ****

A plain reading of Clause 6(h) makes it evident that an employee seeking interstate transfer on request is to be assigned the *"last rank next to the last regular candidate in the new State."* Significantly, the provision does not contemplate placement below the last candidate of the recruitment batch to which the employee originally belonged in the erstwhile undivided State. The expression employed is "the new State", namely, the Transferee State, whose cadre, recruitment process and seniority structure are distinct and independent.

22. The petitioners, however, seek to read into the provision a condition that they should be placed at the end of their original recruitment batches of 2012 and 2013. Such an interpretation would amount to supplying words which the policy-makers have consciously not employed. The Court cannot, under the guise of interpretation, rewrite the terms of the policy or substitute a different criterion for seniority fixation.

23. The object underlying Clause 6(h) is also evident. The interstate transfer policy was conceived as a one-time mechanism to facilitate transfers between the successor States following

reorganisation, while at the same time protecting the existing seniority structure in the Transferee State. Acceptance of the interpretation canvassed by the petitioners would inevitably result in disturbing the settled seniority of employees already borne on the cadre of the State of Telangana and would render the stipulation contained in Clause 6(h) largely otiose. Such a construction cannot be accepted when the language of the provision is clear and unambiguous and accords with the object sought to be achieved by the policy.

24. At this juncture, it becomes necessary to advert to Rule 35(b) of the Andhra Pradesh State and Subordinate Service Rules, 1996, upon which considerable reliance has been placed by the respondents, which reads as under:

Rule - 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 latter unit of appointment.

A plain reading of the above provision makes it clear that where an employee is transferred on his or her own request from one unit of appointment to another, seniority in the transferee unit is to be reckoned from the date of joining duty in the latter unit. The rule leaves little scope for importing seniority earned in the

parent unit into the transferee unit. In the present case, the petitioners seek placement in the Telangana seniority list on the basis of their original appointments in the years 2012 and 2013, notwithstanding the fact that they were permanently absorbed in the State of Telangana only during the year 2018. Acceptance of such a claim would run contrary to the mandate of Rule 35(b), which fixes seniority in the transferee unit with reference to the date of entry into that unit. It would also have the effect of unsettling the existing seniority structure in the Telangana cadre and defeating the uniform mechanism contemplated under the Joint Guidelines and the applicable service rules.

25. Further, the reliance placed by the petitioners on the judgment of this Court in W.P.No.17258 of 2020 is misplaced. A careful reading of the said decision reveals that the controversy therein pertained to the issue of eligibility for promotion, namely, whether the service rendered by the employee in the erstwhile State could be taken into account for computing the requisite qualifying service for promotion to the post of Deputy Executive Engineer [PH]. The Coordinate Bench answered the said question in the affirmative and directed consideration of the petitioner's claim for promotion by reckoning such service. However, it is to be noted that the issue of eligibility for promotion is distinct from the issue of inter se seniority arising in the present cases. In the said judgment it specifically records:

15. Rule 35 (b) of A.P. State Subordinate Rules deals with seniority of a member of a service, 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 latter unit of appointment. However, it does not mean that they should waive the total experience in the previous unit, and the respondents have misconstrued that seniority and the experience. It is not in dispute that the petitioner has joined in service as Assistant Executive Engineer on 26.06.2013 and his services were regularised and probation was declared by proceedings, dated 24.07.2015 by the 6th In view of the respondent even after bifurcation of the state. above, at any rate his service for eligibility has to be reckoned from the date of his initial appointment i.e. 26.06.2013.

16. In the above said decisions relied by the petitioner, identical questions came up for consideration and constantly from 1996 onwards the Hon'ble Supreme Court has been categorically holding that in request transfer, the employee may lose his seniority but the experience gained should not be wiped out and he cannot be deprived of his benefit including his experience and eligibility for promotion.

17. In view of the above discussion and in view of the ratio laid down by the Honourable Apex Court in the above said judgments, the Writ Petition is disposed of, setting aside the impugned order, Memo No.18334/CS/2020, dated 04.03.2020 passed by the 6th respondent and directing the respondents to consider the case of the petitioner for promotion to the post of Deputy Executive Engineer [PH], if otherwise entitled to, but not for seniority, by considering the experience gained from the date of initial appointment, for eligibility, as per G.O.Ms.No.452 MA & UD Department, dated 20.06.2007. There shall be no order as to costs.

The present writ petitions do not concern the reckoning of qualifying service or eligibility for promotion. The dispute is confined to fixation of seniority upon interstate transfer and placement in the integrated seniority list. The ratio of W.P.No.17258 of 2020, therefore, cannot be extended to govern the issue arising in the present cases.

26. The contention founded upon the treatment allegedly extended to employees in TSTRANSCO and the RWS&S department is equally unpersuasive. Administrative decisions taken in different

departments operating under distinct service rules, cadre structures and administrative requirements cannot, by themselves, create an enforceable right in favour of the petitioners. Unless the policy under challenge is shown to be arbitrary, discriminatory or otherwise violative of constitutional guarantees, a claim founded solely on the basis of benefits extended elsewhere cannot be sustained. It is trite that Article 14 of the Constitution does not envisage negative equality and that an alleged irregularity or erroneous benefit granted in another case cannot constitute a valid basis for claiming similar treatment.

27. It is also pertinent to note that the petitioners were permanently transferred and absorbed in the State of Telangana during the year 2018 pursuant to the undertakings furnished by them under the Joint Guidelines. The provisional seniority list was thereafter published inviting objections, culminating in the issuance of the final seniority list dated 29.04.2025. The present writ petitions came to be instituted only in June, 2025. Thus, for a considerable period, the petitioners conduct in accepting the benefit of interstate transfer and continuing in the transferee State under the terms governing such transfer for several years is an additional circumstance that weighs against the grant of discretionary relief under Article 226 of the Constitution of India.

Conclusion

28. This Court is of the considered view that the petitioners have failed to make out any ground warranting interference under Article 226 of the Constitution of India. The action of the respondents in assigning seniority to the petitioners below the 2018 direct recruitment batch, is in consonance with Clause 6(h) of the Joint Guidelines, Rule 35(b) of the Andhra Pradesh State and Subordinate Service Rules, 1996, and the undertakings voluntarily furnished by the petitioners at the time of seeking interstate transfer. Therefore, the impugned seniority fixation cannot be said to be arbitrary, illegal, discriminatory, or violative of any statutory or constitutional provision.

29. Accordingly, Writ Petition Nos.17896, 17941, 18033 and 18269 of 2025 are dismissed.

As a sequel, the miscellaneous petitions, if any, shall stand closed. No costs.

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SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Ms. S.V.INDIRA, Advocate [OPUC]
2. Two CCs to GP FOR SERVICES-I, High Court for the State of Telangana, at Hyderabad [OUT]
3. Two CCs to SRI B.RAJESHWAR REDDY, GP FOR STATE OF A.P., High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

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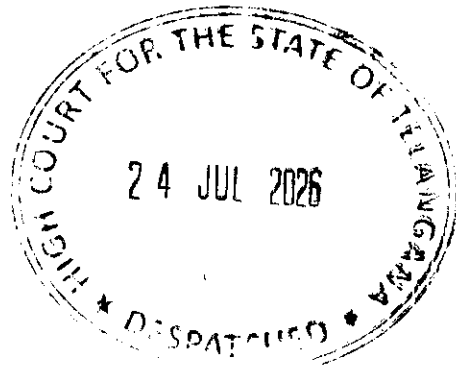
TKS

HIGH COURT

DATED: 19/06/2026

COMMON ORDER

WP.Nos.17896, 17941, 18033 & 18269 OF 2025



**DISMISSING ALL THE WRIT PETITIONS,
WITHOUT COSTS**

⑧ NT
14/7/26