

A A.P.S.R.T.C. & ORS.
v.
B. BODAN REDDY (DEAD) BY LRS. & ORS.

JANUARY 17, 2007

B [S.B. SINHA AND MARKANDEY KATJU, JJ.]

Service Law:

C *Seniority—Division of corporation into different regions—Promotion in one region—Employees in other region not entitled to promotion by claiming seniority in combined list.*

D The respondents were appointed by the appellant-Corporation as Security guards at Warangal. The Corporation created different regions 'Karimnagar' and 'Warangal' Region for managing its affairs. When an option was called for in regard to their posting in the Warangal region and Karimnagar region, respondents opted for the former region. They were, therefore, absorbed in the Warangal region of appellant-Corporation. Subsequently some posts were created in the Karimnagar region. One 'T' who was junior to the respondents in the combined seniority list was promoted to the post of Security Head Guard as he became the senior most in the Karimnagar region.

E Respondent filed writ petition for consideration of their case for promotion. By reason of the impugned judgment, the writ petition was allowed directing the appellant-Corporation to consider the cases of the respondents for promotion from the post of Security Guard to Security Head Guard from the date on which their junior had been promoted. Hence the present appeal.

Allowing the appeal, the Court

G HELD: The bifurcation of the division is not in dispute. Warangal division, thus, became a new division. It has also not been disputed that cadre of the employees is maintained region-wise. Therefore, separate seniority lists were required to be maintained only on that basis. Once there has been a valid division of two regions as a result of which a new region came into being, a distinct and separate seniority list of the employees was required to be maintained. If the respondents had opted for

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remaining in the cadre of the employees of the Warangal region, only because a vacancy had fallen in the Karimnagar region and the same had been filled up from amongst the employees thereof, no exception thereto could be taken. The High Court did not consider this aspect of the matter and proceeded on the basis that as the respondents might be otherwise qualified, they were entitled to be considered for promotion opining that the respondents are and should not be deprived from being considered therefor when their juniors have been promoted. The High Court committed a manifest error in coming to the aforementioned conclusion inasmuch as there having been a valid division of the cadre, the question of the respondents becoming senior to the said 'T' in the Karimnagar Region did not and could not arise as a new seniority list came into being.

[Para 4] [1104-C-F]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 6449 of 2000

From the Final Judgment and Order dated 22.6.2000 of the High Court of Judicature, Andhra Pradesh at Hyderabad in W.P. No. 27767/1995

R. Santhan Krishnan, K. Radha Rani, Praveen K. Pandey, P. Vijay Kumar and G. Ramakrishna Prasad for the Appellants.

The Judgment of the Court was delivered by

S.B. SINHA, J. : 1. The Respondents herein were appointed by the appellant-Corporation as Security Guards. Different regions have been created by the Corporation for managing its affairs. The divisions of Karimnagar, Nizamabad, Warangal and Khammam formed part of one region known as 'Karimnagar Region of Kakatiya' in the appellant-Corporation. The Warangal region, however, was carved out therefrom known as 'Warangal Region'. The respondents herein had been working at Warangal. When an option was called for in regard to their posting in the Warangal region and Karimnagar region, they opted for the former region. They were, therefore, absorbed in the Warangal region of the appellant-Corporation.

2. It is stated that subsequently some posts were created in the Karimnagar region. One Mr. T.J. Reddy, who was junior to the respondents in the combined seniority list was promoted to the post of Security Head Guard as he became the senior most in the Karimnagar region.

A 3. A writ petition was filed by the respondents herein for consideration of their cases for promotion. An interim order was passed by the learned Single Judge of the Andhra Pradesh High Court directing the appellant-Corporation to consider their cases. Aggrieved thereby, an appeal was preferred before the Division Bench. The Division Bench, however, although initially suspended the operation of the said interim order passed by the B learned Single Judge, thought it fit and expedient to withdraw the writ petition itself before it and determine the same on its own merits. By reason of the impugned judgment, the writ petition had been allowed directing the appellant-Corporation to consider the cases of the respondents for promotion from the post of Security Guard to Security Head Guard from the date on C which their junior had been promoted.

4. The bifurcation of the division is not in dispute. Warangal division, thus, became a new division. It has also not been disputed that cadre of the employees is maintained region-wise. Therefore, separate seniority lists were required to be maintained only on that basis. Once there has been a valid D division of two regions as a result of which a new region came into being, a distinct and separate seniority list of the employees was required to be maintained. If the respondents had opted for remaining in the cadre of the employees of the Warangal region, in our opinion, only because a vacancy had fallen in the Karimnagar region and the same had been filled up from amongst the employees thereof, no exception thereto could be taken. The E Division Bench of the High Court, in our opinion, did not consider this aspect of the matter. The Division Bench proceeded on the basis that as the respondents might be otherwise qualified, they were entitled to be considered for promotion opining that respondents are and should not be deprived from being considered therefor when their juniors have been promoted. In our F opinion, the Division Bench committed a manifest error in coming to the aforementioned conclusion inasmuch as there having been a valid division of the cadre, the question of the respondents becoming senior to the said Mr. T.J. Reddy in the Karimnagar Region did not and could not arise as a new seniority list came into being.

G 5. The impugned judgment, for the reason aforementioned, is set aside and the appeal is allowed. As none appears for the respondents, there shall be no order as to costs.