IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE NINETEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 929 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 28/05/2025 in W.P. No. 14422 of 2017 on the file of the High Court.

Between:

1. Telangana State Southern Power Distribution Company Limited (TSSPDCL), Rep. by its Chairman and Managing Director TSSPDCL Corporate Office Mint Compound Hyderabad District
2. The Chief General Manager HRD TSSPDCL, Corporate Office Mint Compound Hyderabad District
3. The Superintending Engineer, TSSPDCL Operation Medak Circle Sangareddy Medak District.

...APPELLANTS

AND

Ch. Kondal Reddy, S/o.Narayan Reddy, Aged about 41 years, Occ. Contract Labour R/o.Tukkapur Village Thougunta Mandal Medak District.

...RESPONDENT

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 stay the operation the orders dated 28.05.2025 in W.P. No.14422/2017.

Counsel for the Appellant: SRI G. VIDYA SAGAR, SENIOR COUNSEL
REPRESENTING SRI N. SREEDHAR REDDY, S.C. FOR TSSPDCL

Counsel for the Respondents: Ms. B. RACHNA REDDY, SENIOR COUNSEL
FOR Mr. MOHD BASEER RIYAZ

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL No.929 of 2025

JUDGMENT:

Heard Sri G.Vidya Sagar, learned Senior Counsel appearing for Sri N.Sreedhar Reddy, learned Standing Counsel for Transmission Corporation of Telangana Limited for the appellants; Ms. B.Rachna Reddy, learned Senior Counsel appearing for Sri Md.Baseer Riyaz, learned counsel for the respondent and perused the record.

2. The present writ appeal is filed by the appellants/respondents against the order dated 28.05.2025 passed by the learned Single Judge in W.P.No.14422 of 2017 along with other analogous writ petitions i.e. W.P.Nos.6736 of 2017 and W.P No.9210 of 2019, whereby the subject writ petition was allowed with a direction to the appellants to appoint the respondent as Junior Lineman or in any suitable other post with retrospective effect and all consequential benefits.

Factual Matrix

3. The respondent/writ petitioner, a contract labourer, sought absorption under B.P. Ms. No.36 dated 18.05.1997,

which provided for filling up 50% of existing vacancies in initial recruitment cadres from among ex-casual labour, contract labour, and Village Electricity Workers. His claim was considered and rejected on multiple occasions on 05.05.2000, 06.08.2001 and 17.02.2016 on the ground that all vacancies under the scheme had been filled and his turn had not arisen. The policy itself was subsequently withdrawn with retrospective effect from 15.09.2006. Despite this, the respondent continued to file representations and writ petitions, leading to the impugned order.

Submissions on behalf of the appellants

4. Learned Senior Counsel Sri G.Vidya Sagar appearing for the appellants contended that:

i) The respondent's claim was repeatedly considered and rejected by speaking orders, which attained finality.

ii) All vacancies under B.P. Ms. No.36 were exhausted as per the mandate of the policy.

iii) The policy was validly withdrawn in 2006 and no right to appointment survived thereafter.

iv) The appointment of Sri P. Rajaiah and others was made under specific Court orders and corporate instructions

and in different factual and legal contexts, and cannot be used to claim parity.

v) The respondent's service certificates were unreliable and did not satisfy the criteria under the policy.

vi) The respondent's persistent litigation amounted to an abuse of the process of law.

Submissions on behalf of the respondent

5. Learned Senior Counsel Ms. B.Rachna Reddy appearing for the respondent contended that:

i) The respondent had rendered continuous service and was eligible for absorption.

ii) Similarly situated persons were appointed even after the withdrawal of the policy.

iii) The appellants acted in a discriminatory and arbitrary manner violating Articles 14 and 16 of the Constitution.

iv) The respondent's representations ought to have been considered in light of the appointments made in favour of others.

6. We have taken note of the respective contentions urged.

Analysis and reasoning

7. After careful consideration of the submissions and perusal of the record, we are of the considered opinion that the learned Single Judge erred in allowing the writ petition. Our reasons are as follows:

a) Finality of Administrative and Judicial Decisions

The respondent's claim was rejected by speaking orders issued in 2000, 2001, and 2016. These orders were never challenged and attained finality. The principle of finality in administrative and quasi-judicial decisions is well-established. The respondent cannot be permitted to re-agitate the same issue repeatedly, especially when the earlier decisions were rendered in compliance with court orders and after due application of mind.

b) Exhaustion of Vacancies

B.P. Ms. No.36 provided for absorption only against 50% of the vacancies existing as on 18.05.1997. The appellants have categorically stated that all such vacancies were filled based on seniority and man-days worked, and the respondent's turn did not arise. The respondent has not produced any material to rebut this assertion. In the absence of proof of available vacancies, no direction for appointment can be issued.

c) Withdrawal of the Policy

The policy B.P.Ms. No. 36 was withdrawn *vide* C.O.O. (CGM-HRD) Ms. No. 470 dated 15.11.2006 w.e.f. 15.09.2006. The withdrawal of an administrative scheme is within the executive's domain, and no vested right accrues to a candidate unless appointed. The respondent's claim, even if any, stood extinguished with the withdrawal of the policy.

d) Distinction in Appointments of Others

The appointments of Sri Rajaiah and others were made pursuant to specific directions of this Court in individual cases, and not under the general scheme of B.P. Ms. No.36. Such appointments do not create a right in favour of the respondent. The principle of equality under Article 14 cannot be invoked to perpetuate illegality or to claim appointment contrary to the terms of the policy.

The Hon'ble Supreme Court in ***Union of India v. Kartick Chandra Mondal***[1], has held as under:

> ***25.*** *Even assuming that the similarly placed persons were ordered to be absorbed, the same if done erroneously cannot become the foundation for perpetuating further illegality. If an appointment is made illegally or irregularly, the same cannot be the basis of further appointment. An erroneous decision cannot be permitted to perpetuate further error to the detriment of the general welfare of*

[1] (2010) 2 SCC 422

the public or a considerable section. This has been the consistent approach of this Court. However, we intend to refer to a latest decision of this Court on this point in State of Bihar v. Upendra Narayan Singh [(2009) 5 SCC 65 : (2009) 1 SCC (L&S) 1019] , the relevant portion of which is extracted hereinbelow: (SCC p. 102, para 67)

> *"67. By now it is settled that the guarantee of equality before law enshrined in Article 14 is a positive concept and it cannot be enforced by a citizen or court in a negative manner. If an illegality or irregularity has been committed in favour of any individual or a group of individuals or a wrong order has been passed by a judicial forum, others cannot invoke the jurisdiction of the higher or superior court for repeating or multiplying the same irregularity or illegality or for passing wrong order...."*

e) Reliability of Service Certificates

The respondent's service certificates were issued by contractors and not sufficiently corroborated by muster rolls or other authentic records. The policy required continuous service under licensed contractors, and the respondent failed to establish his eligibility with certainty.

f) Abuse of Process of Law

The respondent has been litigating since 1999 on the same cause of action. Multiple writ petitions and representations on the same issue, after final decisions, amount to an abuse of the process of law. The courts cannot encourage such persistent litigation which strains judicial resources and causes unnecessary harassment to the administration.

The Apex Court in ***K.K. Modi v. K.N. Modi***[2], has held as under:

> ***44.*** *One of the examples cited as an abuse of the process of the court is relitigation. It is an abuse of the process of the court and contrary to justice and public policy for a party to relitigate the same issue which has already been tried and decided earlier against him. The reagitation may or may not be barred as res judicata. But if the same issue is sought to be reagitated, it also amounts to an abuse of the process of the court. A proceeding being filed for a collateral purpose, or a spurious claim being made in litigation may also in a given set of facts amount to an abuse of the process of the court. Frivolous or vexatious proceedings may also amount to an abuse of the process of the court especially where the proceedings are absolutely groundless. The court then has the power to stop such proceedings summarily and prevent the time of the public and the court from being wasted. Undoubtedly, it is a matter of the court's discretion whether such proceedings should be stopped or not; and this discretion has to be exercised with circumspection. It is a jurisdiction which should be sparingly exercised, and exercised only in special cases. The court should also be satisfied that there is no chance of the suit succeeding.*

8. In view of the foregoing reasons, we hold that the learned Single Judge erred in directing the appointment of the respondent forthwith as junior lineman or in any other suitable post with retrospective effect and consequential benefit. The impugned order is unsustainable in law and on facts. The writ petition ought to have been dismissed.

9. Accordingly, the Writ Appeal is allowed setting aside the order dated 28.05.2025 in W.P. No.14422 of 2017. There shall be no order as to costs.

---

[2] (1998) 3 SCC 573

Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/-K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI N. SREEDHAR REDDY, S.C. for TSSPDCL [OPUC]
2. One CC to SRI MOHD BASEER RIYAZ, Advocate [OPUC]
3. Two CD Copies

MP
BS

HIGH COURT

DATED:19/09/2025



JUDGMENT

WA.No.929 of 2025

ALLOWING THE WRIT APPEAL
WITHOUT COSTS

(5) MT
24/10/25