IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY,THE TWENTY FOURTH DAY OF OCTOBER TWO THOUSAND AND TWENTY FIVE

PRESENT

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

WRIT APPEAL NO: 1161 OF 2025

Writ Appeal under clause 15 of the Letters Patent Appeal Preferred Against the Order Dated 24/07/2025, in W.P. No. 12914 of 2002 on the file of the High Court.

Between:

1. V.Balarama Murthy, S/o Late V. Suryanarayana, Aged about 82 years, Occ. Retired, R/o Balanagar Junction, Hyderabad.
2. G. Rajasekhara Rao, S/o Late Sri Surya Narayana, Aged about 80 years years, Occ, Retired Employee, Kakinada, Andhra Pradesh.

...APPELLANTS

AND

1. Y.S.S.Sastry, S/o Sri Nageswara Rao (Died)
2. Rajagoopal Yadavalli, S/o Late Y.S.S.Sastry, R/o D.No. 1-2-593/7, F-301, Seshu Villa, St. No. 4, Lane-4, Near Bala Sai Mandir, Domalguda, Himayathnagar, Hyderabad 500029.
3. Venugopal Yadavalli, S/o Late Y.S.S.Sastry, R/o A002, Trinity Towers, DLF, Phase-5, Galleria DLF-IV, Gurugaon, Haryana-122009.

...Respondent 1 to 3 are not necessary parties
.....RESPONDENTS/WRIT PETITIONS

4. The Managing Director, Food Corporation of India, 16-20, Darakamba Lane, New Delhi 110001.
5. The Zonal Manager, Food Corporation of India, Zonal Office, No.2, Haddows Road, Opp. Sastri Bhavan, Chennai 600006.
6. The Senior Regional Manager, Food Corporation of India, HACA Bhavan, Hyderabad.

...RESPONDENTS/RESPONDENTS

IA 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 suspend order dated 24/07/2025 passed in W.P. No. 12914 of 2002 pending disposal of the Writ Appeal

Counsel for the Appellants: SRI. A. SATYASIRI

Counsel for the Respondent Nos. 4to6: SRI DANTU SRINIVAS, SC FOR FOOD CORPORATION

Counsel for the Respondent Nos. 1to3 : ---

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 APPEAL No.1161 of 2025

JUDGMENT:

Learned counsel Ms. A.Satyasiri appears for the appellants.

Sri Dantu Srinivas, learned Standing Counsel for Food Corporation of India, appears through video conferencing for respondents No.4 to 6.

2. By the impugned order dated 24.07.2025 in W.P.No.12914 of 2002, the learned writ court has declined to quash the proceedings dated 16.01.2002 rejecting the representations of the appellants, who were petitioners No.2 and 3 in the said writ petition, for payment of arrears for the post of Assistant Managers with effect from 25.06.1979 and for the post of Deputy Manager for appellant No.1 from 24.06.1994 and for appellant No.2 from 18.01.1995. Respondents No.4 to 6, by virtue of an order dated 17.10.2001 passed in an earlier writ petition i.e., W.P.No.21253 of 2001, considered the representation

of the appellants and rejected the same by the proceedings dated 16.01.2002. The learned writ court was of the view that the benefits of revised seniority from the notional date retrospectively will not entitle the appellants for monetary benefits which are accruable from the date of actual assumption of charge/duty in the higher cadre. The learned writ court also opined that for the period the appellants have not discharged their duties as Assistant Manager or Deputy Manager from the anterior date, no arrears are payable. Circular No.6 of 1985, dated 11.02.1985, covers that subject. Therefore, the relief was denied. The order of the Madras High Court dated 22.12.1995 in W.P.Nos.4879 and 11986 of 1990 in the case of similarly situated persons cited by the appellants was also taken into consideration. Being aggrieved, the appellants have preferred this appeal.

3. Learned counsel for the appellants has also drawn the attention of this Court to the decision rendered by the Hon'ble Supreme Court in C.A.No.10651 of 1993, dated 20.03.1997, and submitted that the seniority list of the

eligible persons was determined from a retrospective date pursuant thereto. However, it is also not disputed that the Hon'ble Supreme Court did not specifically order payment of actual monetary benefits from the notional date. That is why the litigations continued thereafter by the appellants and others.

4. The appellants have retired long back. It is trite to observe that the actual monetary benefits of a particular post are accrued from the date the incumbent actually assumes charge of the higher cadre. The appellants are otherwise entitled to reckon their seniority notionally from the anterior date as per the revised seniority list issued by virtue of the decision rendered by the Apex Court. Since the position in law as regards the accrual of monetary benefits from the date of actual assumption of charge/duty in the higher cadre is well settled, the learned writ court rightly refused to interfere in the order rejecting the representations of the appellants and grant relief of arrears of salary from the date from which the appellants were not

actually discharging the duties of the higher post. We do not find any error in the impugned order.

5. The instant appeal is accordingly dismissed. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-A.PRATHIMA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. A SATYASIRI Advocate [OPUC]
2. One CC to SRI. DANTU SRINIVAS, SC FOR FOOD CORPORATION [OPUC]
3. Two CD Copies

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HIGH COURT

DATED:24/10/2025



COMMON JUDGMENT

W.A.NO.1161 Of 2025

DISMISSING THE WRIT APPEAL

WITHOUT COSTS

(5)

lgs

4/11/25