IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE EIGHTEENTH DAY OF NOVEMBER 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: 1174 OF 2025

Writ Appeal under clause 15 of the Letters Patent Appeal Preffered Against the Order Dated 26-03-2025 Passed in W.P.No 32747 of 2012 on the file of the High Court.

Between:

1. The A.P.Power Generation Corporation Ltd, (presently Telagnana Power Generation Corporation Ltd) Rep.by its Chairman, Vidyuth Souda, Somajiguda, Hyderabad.
2. The Managing Director, The A.P.Power Generation Corporation Ltd. (presently Telagnana Power Generation Corporation Ltd) Vidyuth Soudha, Somajiguda, Hyderabad.
3. The Chief General Manager (Adm), The A.P.Power Generation Corporation Ltd. (presently Telagnana Power Generation Corporation Ltd) Vidyuth Soudha, Somajiguda, Hyderabad.

...APPELLANTS

AND

Mr.K.Srinivasa Reddy, S/o.Rami Reddy, Aged about: 46 years, Occ: Divisional Engineer/ (O & M)-II /Srisailam Right Bank Power House, Sunnipet, APGENCO, Srisailam Porject, Kurnool District, On deputation to ED(IS), GIS Colony, APGENCO, Kalyan Nagar, Hyderabad

...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 stay the orders passed in W.P.No.32747 of 2012 dated 26-03-2025.

Counsel for the Appellants: SRI SRINIVASA SRIKANTH (SC FOR TG GENCO)

Counsel for the Respondent: SRI KONDAPARTHY KIRAN KUMAR

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.1174 of 2025

Order:

Heard Mr. Srinivasa Srikanth, learned Standing Counsel for the appellants-Telangana State Power Generation Corporation Limited (TSGENCO) and Mr. K.Kiran, learned counsel for the respondent/writ petitioner.

2. The present appeal is preferred against the judgment dated 26.03.2025, passed in W.P.No.32747 of 2012.

3. The petitioner availed Extraordinary Leave (EoL) for five years to work abroad under specific conditions with effect from 15.08.2001 till 31.05.2006 in terms of Regulation 19 of the APSEB Leave Regulations and TOO.Ms.No.8 dated 09.04.2001, which prescribed conditions to be satisfied while availing EoL by the employees of TSGENCO. The conditions allowed the employee to undertake employment during the period of EoL. It also stipulated that such period of

absence will not be construed as a break in service. It will not be counted for service benefits such as increments, pay, leave *etc.* On return from leave, the employee shall not claim any preference over others in his parent unit for promotion or higher pay by virtue of the experience gained in foreign employment. After re-joining and on completion of five years' service in the organization excluding the period of EoL, the petitioner was granted promotion to the post of Divisional Engineer on 20.08.2009, Thereafter, the petitioner approached the writ court in 2012 seeking to treat the period of EoL from 14.08.2001 till 31.05.2006 as qualifying service for promotion to the post of Divisional Engineer on par with his juniors. He also prayed for restoration of his seniority in the cadre of Divisional Engineer by treating the EoL period as qualifying service with all consequential benefits. By the impugned judgment dated 26.03.2025, the writ court allowed the prayer. Being aggrieved, the TSGENCO has preferred this appeal.

4. On behalf of the appellants-TSGENCO, reference is made to APSEB Engineering Service Regulations (for short 'the Regulations'), which prescribe the method and qualification for promotion from one category to the next category and class. The appellants have relied upon Regulation 6(a) thereof, which prescribes the qualification for promotion to the cadre of Divisional Engineer from the cadre of Assistant Divisional Engineer. It requires rendering of service as Assistant Divisional Engineer for not less than (a) five years, if recruited by transfer or (b) six years, if recruited directly including a year spent on training. The appellants contend that having remained on EoL for five years and undertaken employment overseas, petitioner did not render qualifying service as an Assistant Divisional Engineer for being considered for promotion. The petitioner's seniority otherwise was not changed in the Assistant Divisional Engineer cadre. But he could have come in the zone of counting five years of

service in the year 2009. Therefore, such promotion was granted to him, which he accepted and later on challenged it in the year 2012. Learned writ court, therefore, committed error in granting the relief.

5. Learned counsel for the writ petitioner submits that the employer does not suffer any disadvantage as the leave regulation permitted employment abroad, during which period the employee also gained experience. Once the period of EoL cannot be treated as break in service, the consequent benefits of promotion for counting the qualifying period of service as per Regulation 9(A) of Regulations would stand fulfilled in the case of the petitioner. Therefore, the learned writ court has rightly granted the relief.

6. Upon consideration of the rival submissions of the parties and the relevant materials referred to and placed on record, we are of the opinion that the petitioner's seniority could have remained unaffected in view of the specific terms

and conditions of TOO.Ms.No.8 dated 09.04.2001 as the period of employment abroad during EoL could not be treated as break in service. But, the Regulation governing the promotion consciously prescribes rendering of service in the organization for five years, if recruited by transfer for being eligible for promotion to the next higher stage. There is an objective behind that. The employee gains experience by rendering service in that particular cadre *i.e.,* Assistant Divisional Engineer in his parent organization. The employer gets opportunity to assess his performance, which is also a criteria to evaluate his candidature for the next higher promotion. If the petitioner has been engaged in employment overseas, these stipulations do not get satisfied. Even the annual confidential records during those periods, for assessing the character performance of the employee, could not have been written by the employer. On fulfilling the five years of qualifying service excluding the period of EoL, he was promoted to the post of Divisional Engineer in the year 2009.

Three years thereafter, he preferred the Writ Petition, which has been allowed by the learned writ court on erroneous grounds. Therefore, we are inclined to interfere in the matter.

7. The impugned judgment dated 26.03.2025, passed in W.P.No.32747 of 2012, is set aside. The instant Writ Appeal is accordingly allowed. No costs.

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

SD/-K.SAILESHI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI SRINIVASA SRIKANTH (SC FOR TG GENCO), Advocate [OPUC]
2. One CC to SRI KONDAPARTHY KIRAN KUMAR, Advocate [OPUC]
3. Two CD Copies

MMT
LS

HIGH COURT

DATED:18/11/2025

ORDER

WA.No.1174 of 2025

ALLOWING THE WRIT APPEAL WITHOUT COSTS

(5) lcpj

28/11/25