

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

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**WRIT PETITION NO.6084 of 2022**

Between:

M.Surya Prakash

**...Petitioner**

AND

1. The State of Telangana, rep. by its Chief Secretary to Revenue Department, Secretariat, Telangana State and two others

**...Respondents**

**JUDGMENT PRONOUNCED ON: 30.06.2023**

**SUBMITTED FOR APPROVAL:**

**THE HON'BLE SRI JUSTICE K.SARATH**

1. Whether Reporters of Local : Yes/No  
newspapers may be allowed to  
see  
the Judgment ?
2. Whether the copies of : Yes/No  
judgment may be marked to  
Law Reports/Journals
3. Whether Their : Yes/No  
Lordship/Ladyship wish to  
see the fair copy of judgment

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**JUSTICE K.SARATH**

**THE HON'BLE SRI JUSTICE K.SARATH**

**+WRIT PETITION NO.6084 of 2022**

%Dated 30.06.2023

# M.Surya Prakash

**...Petitioner**

**and**

\$ The State of Telangana, represented by its Chief Secretary to Government, Revenue Department, Secretariat, Hyderabad and two others

**...Respondents**

! Counsel for Petitioner : Sri V.Ravichandran

^ Counsel for Respondents: Learned Assistant Government  
Pleader Services-II

< GIST :

> HEAD NOTE :

**? Cases referred :**

**THE HON'BLE SRI JUSTICE K.SARATH**

**WRIT PETITION No.6084 of 2022**

**ORDER:**

Heard Learned Counsel for the petitioner and Learned Assistant Government Pleader for Services-II appearing for the respondents.

2. Learned Counsel for the petitioner submits that the petitioner is seeking declaration that the petitioner is entitled to be granted all benefits including promotion as Deputy Collector pursuant to order in G.O.Rt.No.793, Revenue (Services-1) Department, dated 27.12.2017 duly setting aside the impugned rejection order in Memo No.27061/Ser.1/2018 dated 05.12.2020 forfeiting petitioner's promotion as Deputy Collector as being arbitrary and illegal.

3. Learned Counsel for the petitioner further submits that the petitioner was promoted as Tahsildar

in the year, 2007 and the petitioner is eligible to the post of Deputy Collector and the case of the petitioner was not considered in the year 2017 on the ground that disciplinary proceedings were pending against the petitioner. Against the said action, the petitioner approached this Court and filed W.P.No.5428 of 2017 and this Court granted interim orders and directed the respondents to consider the case of the petitioner for promotion to the post of Deputy Collector in terms of order issued in G.O.Ms.No.257, General Administration (Services-C) Department dated 10.06.1999.

4. Learned Counsel for the petitioner further submits that in implementation of the said orders, the respondents have issued promotion orders to the petitioner for the post of Deputy Collector in G.O.Rt.No.793, Revenue (Services-1) Department, dated 27.12.2017. The order of promotion was received

in the office of District Collector, Ranga Reddy District and the same was not served immediately to the petitioner. The said order was served to the petitioner after he joined duties from medical leave on 23.08.2018 and he was relieved from the office of the respondent No.3 on 24.08.2018 to join in the promotional post. The period from 01.01.2018 to 08.02.2018 and 02.07.2018 to 23.08.2018, the respondent No.3 granted medical leave to the petitioner and the petitioner reported to duty after recovery from ill health on 01.12.2018 and requested the respondent No.1 to issue posting orders as Deputy Collector.

5. Learned Counsel for the petitioner further submits that the respondent No.1 keeping the matter pending for two (2) years and issued impugned rejection orders in Memo No.27061/Ser.I/2018 dated 05.12.2020 on the ground that by invoking the

provisions of Rule 11(b) of the Telangana State & Subordinate Service Rules, 1996 stating that the petitioner is not permitted to join the duties as Deputy Collector.

6. Learned Counsel for the petitioner submits that the petitioner was received the promotion orders on 24.08.2018. The Rule 11 (b) of the Telangana State and Subordinate Service Rules, 1996 would not become attached to the case of the petitioner in as much as the petitioner was neither evaded nor proceeded on leave on receipt of the order of promotion. The delay in issuing relieving orders would not disentitle the petitioner from joining in the promoted post. As Rule 11(b) is not applicable to the instant case and delay cannot be arbitrary to the petitioner for forfeiture of promotion and the said action is arbitrary illegal and requested to allow the Writ Petition.

7. Learned Assistant Government Pleader for Services-II basing on the counter submits that the petitioner was promoted as per G.O.Ms.No.793, Revenue (Services-I) Department, Dated 27.12.2017 in relaxation of Rules (5) and (6) of Telangana State and Subordinate Service Rules, 1996 as Deputy Collector purely on adhoc basis. The Government while issuing the promotion orders, it was clearly mentioned at Para 5(viii) that, the appointment by promotion is also subject to joining of the Officer in the promoted post within the stipulated time of (15) days from the date of receipt of the order of appointment and promotion as specified in Rule 11(b) of Telangana State and Subordinate Service Rules, 1996 failing which he would forfeit the right of promotion to the cadre of Deputy Collector. The promotional orders were sent to the Collectorate, Rangareddy in the month of May, 2018.

8. Learned Assistant Government Pleader for Services-II further submits that the petitioner received promotional orders on 24.08.2018 and the respondent No.3 relieved him on the same day i.e., 24.08.2018. In such case, the petitioner was supposed to report immediately before the Government in Panchayat Raj and Rural Development Department, T.S. Secretariat for further posting as indicated in the promotion order. But, the petitioner after lapse of more than three (3) months, reported before the Government on 01.12.2018.

9. Learned Assistant Government Pleader for Services-II further submits as per Rule 11(b) of TS&SS Rules, 1996, the respondent No.1 rightly issued impugned memo. The contention of Rule 11(b) would not attract to the petitioner is not correct and it was clearly established that, the petitioner has evaded to



join the promoted post i.e., Deputy Collector within fifteen (15) days from the date of receipt of copy of the order. In view of the same, the respondents have passed impugned orders and requested to dismiss the Writ Petition.

10. After hearing both sides, this Court directed the respondents to produce the records as requested by the Learned Counsel for the petitioner with regard to when the promotional order was served to the petitioner and when he was reported to duties for joining in the promotional post. The respondents have submitted entire record relates to the impugned proceedings to this Court.

11. After perusing the records, this Court is of the considered view that the petitioner is working as Tahsildar and disciplinary proceedings are pending against the petitioner. As per the directions of this

Court, the respondents have given promotional orders to the petitioner on adhoc basis to the post of Deputy Collector in G.O.Ms.No.793, Revenue (Services-I) Department, Dated 27.12.2017 and placed the petitioner at the disposal of PR & RD Department, TS Secretariat, Hyderabad on deputation basis. The said promotional orders were not communicated to the petitioner up to 24.08.2018.

12. The petitioner received promotional orders on 24.08.2018. But, he reported to the respondent No.1 on 01.12.2018 which means the petitioner after receiving the promotional orders reported to the Government only after three (3) months six (6) days. Now, the respondents issued present impugned orders in Memo No.27061/Ser.I/2018 dated 05.12.2020 and stating that the case of the petitioner cannot be considered for the promotion to the post of

Deputy Collector as per the Rule 11(b) of Telangana State and Subordinate Service Rules, 1996 on the ground that the petitioner has not joined the promotion post within fifteen (15) days from the date of receipt of copy of the appointment of promotional orders and informed that the name of the petitioner shall be placed before the next departmental committee for consideration in the next panel year subject to availability of the vacancy.

13. The learned Counsel for the petitioner informed this Court that now the petitioner is working neither as Tahsildar nor as Deputy Collector. The petitioner stating that he could not report to the respondent No.1 up to 01.12.2018 as he did not recover from the ill-health. There is no document to show that the same was informed to the respondents.

14. The petitioner submitted additional material papers of the medical certificates in I.A.No.2 of 2022 which belongs to prior to the date 24.10.2018 and the petitioner submitted certificates from Satya Hospital, near Nalgonda Cross Roads, Malakpet, Hyderabad stating that the petitioner was admitted in the hospital on 25.08.2018 with mild paralysis attack and his treatment was continued and he was advised to take rest from 25.08.2018 to 30.11.2018. His health was examined on 30.11.2018 and certified that he was fit to join duties from 01.12.2018. But, the said documents were not submitted to the respondents herein. First time, the same was produced before this Court in I.A.No.2 of 2022 in W.P.No.6084 of 2022 filed on 16.02.2022. The respondents issued impugned proceedings on 05.12.2020 basing on the joining report dated 01.12.2018.

15. The Rule 11(b) of Telangana State and Subordinate Service Rules, 1996 is as follows:

***“Time to join a post on appointment/ temporary appointment under Rule 10 including appointments by transfer or by promotion otherwise than by direct recruitment:-*** A person on appointment/ temporary appointment on adhoc basis under Rule 10 including appointment by transfer or by promotion otherwise than by direct recruitment, shall be allowed a joining time of 15 (fifteen) days to join the post from the date of receipt of the order of appointment sent to the candidate by Registered Post with acknowledgement due or by any other means. An employee who does not join the post within the stipulated time or evades to join the post by proceedings on leave, shall lose his promotion right/ offer for the current panel year and the name of the candidate shall be placed before the next Departmental Promotion Committee for consideration in the next year panel subject to availability of vacancy. In case of non-selection posts, the name of the candidate who does not join within the stipulated time in the promotion posts shall be considered for promotion again after a period of one year from the date of offer of appointment subject to availability of vacancy”.

16. In the instant case, the petitioner relieved from the duties on 24.08.2018 and reported duty on

01.12.2018 i.e., beyond fifteen (15) days from the date of receipt of copy of the promotional orders/relieving orders. In view of the same, the respondents have rightly rejected the case of the petitioner in the impugned proceedings.

17. The petitioner suffered with paralysis before relieving from the duties and he was on medical leave from 24.02.2018 and now he submitted medical certificates with regard to his ill-health. This Court taking into account of the facts and circumstances opines that it is a fit case to direct the respondents to reconsider the case of the petitioner on medical grounds.

18. With the above findings, the Writ Petition is disposed of by directing the petitioner to file a representation to the respondents along with the Medical Certificates within two (2) weeks from the date

of receipt of copy of this Order and the respondents are also directed to pass appropriate orders on the said representation for reconsidering his case for promotion to the post of Deputy Collector or issue posting orders as Tahsildar within four (4) weeks thereafter. There shall be no order as to costs.

19. Miscellaneous applications pending, if any, shall stand closed.

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**JUSTICE K.SARATH**

**Date:30.06.2023**

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