

OFFICE OF THE ENGINEER-IN-CHIEF(R&B)
ANDHRA PRADESH : : HYDERABAD.

Circular Memo No.3939/Ser-I(3)/2015, dated 05-10-2015.

Sub:- Establishment (R&B) Department – Zone-wise provisional revised panels for the post of Deputy Executive Engineer(R&B) from 01-01-1988 to the panel year 2001-2002 – Objections / modifications called for – Regarding.

- Ref:-**
1. Proceedings No.960/Ser-I(3)/2011, dated 04-08-2011.
 2. GO Ms No.314 T(R&B) Dept, dated 29-11-1994.
 3. Judgment of Hon'ble High Court in WP No.5834 of 1998 Dated 23-09-1999.
 4. Judgment of Hon'ble High Court in WP No.9077 of 2001 Dated 24-08-2001.
 5. GO Ms No.37 T(R&B)(Ser-II) Dept, dated 23-03-2002.
 6. GO Ms No.150 T(R&B)(Ser-II) Dept, dated 31-08-2002.
 7. GO Ms No.129 T(R&B)(Ser-II) Dept, dated 17-09-2004.
 8. Hon'ble APAT, Hyderabad judgment dated 11-12-2013 in OA Nos.1614/2012, 2832/2012, 2797/2012, 5917/2012 and OA No.7117/2012, OA No.4056 of 2012.
 9. Orders of Hon'ble APAT in OA No.3099 of 2014 dated 13-06-2014 and 11-07-2014.
 10. This office Circular Memo No.15552/Ser-III(1)/2014, dated 07-11-2014.
 11. GO Ms No.320 Fin(SMPC) Dept, dated 24-10-2005.
 12. Judgment of Hon'ble High Court in WP No.21316 of 2004 and WP No.1438 of 2005 dated 01-12-2014 and WPMP No.49168 of 2014 in WP No.1438 of 2005 dated 29-12-14.
 13. Orders of Hon'ble High Court in CA No.1208 of 2015 in WP No.1438 of 2005 dated 11-08-2015.

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A final integrated seniority list of Deputy Executive Engineers of Roads & Buildings Department was issued vide reference 1st cited, which was confirmed by the Government vide GO Rt No.36 T(R&B) (Ser-II) Dept, dated 16-01-2012. The above seniority list was challenged before Hon'ble APAT in OA No.1614/2012 & Batch and in its Judgment dated 11-12-2013, Hon'ble APAT, Hyderabad has directed as "to follow the final seniority list (for promotions to higher cadres) covered by GO Ms No.314, dated 29-11-1994, if they do not find the

necessity of any modifications in the said seniority list. If they find necessity of any modification as observed in M.Shyam Sunder Vs Govt of AP 2001 (6) ALD 87, they are at liberty to review the final seniority list in respect of DEEs approved in GO Ms No.314 dated 29-11-1994, if the same is found to be contrary to the relevant rules subject to finding and observations recorded in the judgment, they shall incorporate necessary modifications and follow the said seniority list for the purpose of promotion to the higher categories”.

2) Further, the Hon'ble APAT in its interim orders dated 13-06-2014 in OA no.3099/2014, have suspended the operation of final seniority list of Assistant Executive Engineers communicated vide Circular memo no.18693/Ser-IV(5)/1995, dated 29-12-2010 as confirmed by government through GO Ms no.71 T(R&B)(Ser-II) Dept, dated 28-05-2011. Later vide its judgment dated 11-07-2014, the Hon'ble APAT have extended the above interim orders until further orders. As such, a revised seniority list of AEEs was prepared and communicated vide Circular Memo 10th cited.

3) Earlier, keeping in view the judgments 3rd and 4th cited of Hon'ble High Court, AP, a zone-wise seniority list of Deputy Executive Engineers was issued vide GO 5th cited and an integrated seniority list of Deputy Executive Engineers was communicated vide GO 6th cited. Later, as per the orders of Hon'ble High Court dated 11-11-2003 in WP No.7245/2003, necessary modification were issued to GO 6th cited and revised provisional integrated seniority list of DEEs was prepared and finalized vide GO 7th cited.

4) Further, keeping in view the pronouncement of Hon'ble APAT, Hyderabad in its judgment dated 11-12-2013 as **“The Seniority list of DEEs shall not be disturbed upto 31-12-1982 and it is a bar for preparation of impugned seniority list dated 04-08-2011 which is in violation of the orders of the Supreme Court in GS Venkat Reddy's case and orders of the High Court of AP in Shyam Sunder's case” (Para-36)**, it is decided that the zone-wise seniority list of DEEs already communicated vide GO

5th cited shall not be disturbed at all and the same GO is taken into account for preparation of subsequent revised panels for the post of DEEs with effect from 01-01-1988 to 2001-2002. However, while preparing panels for promotions to higher cadres i.e., Executive Engineer / Superintending Engineer, if any vacancies belonging to SC/ST categories were previously left over for want of availability due to non-preparation of further seniority lists, the same will be regularized duly bringing the eligible candidates belonging to those categories under zone of consideration for those cadres, after preparation and finalization of seniority lists in feeder cadres.

5) For preparation of year-wise panels for DEEs, their actual zone-wise cadre strength shall have to be considered for arriving to the number of vacancies in any particular panel year. However, in the earlier seniority list (which was set aside) the vacancies were arbitrarily considered without having link with the cadre strength, which resulted in zonal imbalances and representations were also filed on the above issue and in fact, the cadre strength which was appended to the struck down seniority list dated 04-08-2011 was also not followed for arriving to the correct vacancies. Hence, while taking the cadre strength established in 11th cited as the basis, the cadre strength of each zone, for each panel year is prepared, which is appended to this circular memo and while preparing the year-wise revised panels for the post of DEEs, the vacancies are evaluated strictly adhering to the cadre strength of that particular year.

6) Further, keeping in view the Judgment of Hon'ble High Court in WP No.21316 of 2004 and WP No.1438 of 2005, wherein the GO Ms No.103 dated 22-05-1996 was set aside to the extent of not providing 9th vacancy to the post-graduate holders from the feeder category by following the amended Rule in GO Ms No.568 dated 27-12-1983 and also as per directions received in orders 13th cited in CA No.1208 of 2015, it is decided to implement the Judgment of Hon'ble High Court dated 01-12-2014 and preference is given to the PG holders in terms of GO Ms No.568 T(R&B)(S.II) Dept, dated 27-12-1983 from its earlier occlusion i.e.,

22-05-1996, subject to amendment of Special Rules for AP (R&B) Engineering Service Rules'1996.

7) As such, initially, the provisional revised panels for the post of Deputy Executive Engineer in each Zone is prepared based on the data presently available in records, with effect from 01-01-1988 to the panel year 2001-2002 and appended herewith. All the concerned staff members are directed to submit objections or modifications, if any, with necessary documentary evidence, on the above panels within 15 days from the date of notification of this circular memo.

Encl:- As above.

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To
The parties concerned.