

D. Satyanarayana and Another

Vs

P. T. Reddy and Others

Civil Appeal Nos. 1116 and 1117 of 1972

(CJI S. M. Sikri, A. N. Ray, D. G. Palekar, M. H. Beg, K. S. Hegde, P. Jagmohan Reddy, H. R. Khanna, S. M. Sikri, I. D. Dua JJ)

26.09.1972

JUDGMENT

RAY, J. -

1. Civil Appeals 1116 and 1117 are by special leave from the judgment dated September 28, 1970 of the Andhra Pradesh High Court.
2. These appeals arise out of writ petition 3125 of 1968 and 4872 of 1968 filed in the Andhra Pradesh High Court.
3. In these two appeals the writ petitions were filed for writs directing the Central Government to prepare common gradation list of the Gazetted Officers of the Public works Department of Andhra Pradesh in accordance with the decisions of the Central Government dated December 24, 1965 and June 14, 1966. Other reliefs were also asked for.
4. The writ petitions out of which these two appeals arise were heard together with other matters. The High Court by common judgment dated September 28, 1970 allowed the writ petitions except as against respondents 2 and 3 in writ petition 4872 of 1968. The High Court by the common judgment directed the Government of India to prepare common gradation list in accordance with the principles laid down in their memoranda dated December 24, 1965 and June 14, 1966. The High court further directed that State Government while giving promotions to the post of Chief Engineers should consider the petitioners in writ petitions 3125 and 4864 of 1968 as senior to the appellants and appointments should be made on the basis of merit ! The petitioners in writ petition 4872 of 1968 were held by the High Court not entitled to be considered for promotion to the post of Chief Engineers earlier than respondents 2 and 3 in that petition. The consequential reliefs were also granted by the High Court.
5. This Court has already held that the decision of the Central Government dated December 22/24, 1966 is set aside. The Central Government under the State Reorganisation Act has been asked to proceed in accordance with law. The earlier decisions of the Central Government dated December 24, 1965 and June 14, 1966 do not stand in the way of fresh consideration on by the Central Government of integration of services and determination of equation of posts in accordance with law and in the light of observations made in the judgment of this Court in Civil Appeals 2436-2439 of 1969 dated August 23, 1972.
6. In the result the judgment of the High Court is set aside. The appeals are allowed. The Central

Government will now prepare a fresh common gradation list in accordance with law. Parties will pay and bear their own costs in High as well as in this Court

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