

163

GOVERNMENT OF ANDHRA PRADESH
IRRIGATION & CAD (IW: SERVICES. I) DEPARTMENT

Memo. No. 23644/Ser. I(1)/2013-4

Dated: 25-11-2013.

Sub: Establishment – Irrigation & CAD Department – – A P E S – Appeal filed by Sri M. Rama Subbaiah & (8) others AEE's of Zone IV with a plea to re-draw the Seniority list of Assistant Executive Engineers of Zone IV duly following the G. O. Ms. No. 22, dated 04-02-1991, G. O. Ms. No. 153, dated 19-12-2005 and G. O. Ms. No. 32, dated 12-04-2010 – Appeal rejected – Speaking Orders – Issued.

- Ref:
1. From Sri M. Rama Subbaiah & (8) other AEE's of Zone IV representation dated 29-10-2013.
 2. From the Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad Circular Memo. No. Rc/ENC/A3/24018/2013, Dated 18-10-2013.
 3. Govt. Memo. No.23644/Ser. I(1)/2013-1&2, Dated 11-11-2013.
 4. From the A. P. Administrative Tribunal, Hyderabad, Show Cause Notice cum Interim order dated 01-11-2013 in O. A. No. 7680 of 2013 filed by Sri O. Viswanatha Reddy, and (9) other AEE's of Zone IV.
 5. From the Government Pleader for Irrigation & CAD Department (Ser), A P Administrative Tribunal, Hyderabad Letter No. OA No. 7680/2013/MKR/I&CAD, dated 6-11-2013.
 6. From the Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad RC/ENC/A3/D2/OA No. 7680-13/2013, Dated 05-11-2013.

<<<>>><<>><<>>

In the reference 1st cited, Sri M. Rama Subbaiah & (8) other Assistant Executive Engineers of Zone IV have filed an appeal petition against the seniority lists of Assistant Executive Engineers of Zone IV dated 18-10-2012 and 18-10-2013 communicated by the Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad stating that, contrary to the G O's / Rules, (61) Nos. of Assistant Executive Engineers (appointment by transfer) have been accommodated in the absence of any direct recruitment in the seniority list dated 18-10-2012 and (8) Nos. of Assistant Executive Engineers (appointment by transfer) who were shown in the seniority list dated 18-10-2013 at Sl. Nos. 47, 48, 85, 86, 87, 88, 90 and 196 in Zone IV though there is no direct recruitment from 1993 to 2003 (except limited recruitment). They ought not to have been appointed or shown in the seniority lists in the absence of direct recruitment during 1993 – 2003. The appointment of appointment by transfer AEE's arises only when direct recruitment takes place and they are to be shown at sixth vacancy in the cycle of (10) vacancies of AEE's subject to filling of other (9) vacancies. If other (9) vacancies are not filled up, the right of appointment of Assistant Executive Engineers (appointment by transfer) against 6th vacancy does not arise. Therefore, showing the Assistant Executive Engineers (appointment by transfer) in the seniority list is contrary to their entitlement and which is illegal and liable to be reviewed. Further, the Assistant Executive Engineers (appointment by transfer) in the seniority lists were shown in excess of their quota and continue to occupy the posts meant for direct recruits. Hence, they should be deleted in the seniority list and they can only be shown after the direct recruitment has taken place. They have therefore requested to consider their plea and set aside the above seniority lists and direct the competent authority to re-draw the seniority list of AEE's of Zone IV duly following G. O. Ms. No. 22, dated 04-02-1991, G. O. Ms. No. 153, dated 19-12-2005 and G. O. Ms. No. 32, dated 12-04-2010.

2) In the reference 4th cited, the Hon'ble A P Administrative Tribunal, Hyderabad have passed the following order:

"Pending disposal of the O. A., the 1st respondent is directed to dispose of the appeal filed by the applicants on 29-10-2013 and till then maintain status-quo with regard to promotions to the post of Deputy Executive Engineers based on the final seniority lists dated 18-10-2012 and 18-10-2013."

3) The Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad who has been consulted has submitted his report in the reference 6th cited stating that, Sri O. Viswanatha Reddy, AEE & (9) others have been recruited through APPSC in Zone IV in the year 2004 (Applicants 1 to 6), 2005 (Applicants 7 to 9) & 2007(Applicant 10th) PSC batches. They have been appointed on direct recruitment quota as per the vacancies notified to them in 2004, 2005 & 2007 PSC batches respectively. As per the existing rules, the cadre strength in respect of Assistant Executive Engineers and Assistant Engineers has been distributed as 75% and 25%. Against 75% quota of Assistant Executive Engineers, 90% was earmarked to direct recruitment and 10% quota to appointment by transfer AEEs, which was earlier specified in G. O. Ms. No. 22, dated 04-02-1991. He has furnished the details of cadre strength of AEE's in the department as detailed below:

Total Cadre Strength of AEEs/AEs in the department	:	5846
Fair Share of Zone IV	:	1296
No. of AEE's after distribution between AEEs / AEs at 75%:25% in Zone IV	:	972
10% quota for appointment by transfer AEEs from AEE cadre in Zone IV	:	97

4) The Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad has further stated that, (56) Nos. of Assistant Executive Engineers (appointment by transfer) have been recruited from 1991 to 2002 as per the Govt. orders from time to time. The Assistant Executive Engineers (appointment by transfer) have been placed in the seniority as per their date of commencement in terms of Rule 33 (a) of A P S & S S Rules, 1996. The 6th vacancy meant for the Assistant Executive Engineers (appointment by transfer) is only for accessing the no. of vacancies, but not for the purpose of seniority. Further, the seniority list of AEE's was finalized in 3 batches i.e. from 1978 PSC to 2003, followed by 2004 & 2005 PSC and 2007 PSC vide his office Circular Memos. Dated 18-10-2012, 26-02-2013 and 17-07-2013 respectively. Subsequently, due to Hon'ble A P Administrative Tribunal, Hyderabad orders dated 31-07-2012 in OA Nos. 10186/2009 & batch, the seniority list pertaining to 2004, 2005 & 2007 batches including Assistant Executive Engineers (appointment by transfer) has been finalized and published vide his office Circular Memo. dated 18-10-2013. The (8) Nos. of Assistant Executive Engineers (appointment by transfer) at Sl. Nos. 47, 48, 85, 86, 87, 88, 90 and 196 were shown in the final seniority list dated 18-10-2013 due to implementation of Rule 16 (h), as they passed the account test beyond the prescribed period of probation. The contents of the G. O. Ms. No. 22, dated 04-02-1991 came into the consideration in the Hon'ble A P Administrative Tribunal, Hyderabad in O. A. No. 7225/2009 and O. A. No. 7228/2009. The seniority of the direct recruit is to be determined only from the date of his / her joining duty, but not from the date on which the vacancy earmarked for a direct recruitment as per Para 14 (b) of Government Circular Memo No. 16/Ser.A/93-39, General Administration (Ser. A) Dept., dated 21-4-1999.

165

// 3 //

5) In view of the above facts and circumstances as reported by the Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad and after careful examination of the appeal petition filed by Sri M. Rama Subbaiah & (8) other AEE's of Zone IV in the reference 1st cited, it is observed that, there are no valid reasons put forth by Sri M. Rama Subbaiah & (8) other AEE's of Zone IV in their appeal petition against the seniority lists communicated by the Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad in circular Memos. Dated 18-10-2012 and 18-10-2013. Accordingly, Government hereby reject the appeal petition filed, by them.

6) The Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad is requested to take further necessary action in the matter.

ADITYA NATH DAS
PRINCIPAL SECRETARY TO GOVERNMENT

To


The individuals through the Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad.

~~Copy~~ to the Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad with a request to serve the same and obtain dated acknowledgment and re-submit to the Government.

Copy to the Government Pleader for Irrigation & CAD Department (Ser), A. P. Administrative Tribunal, Hyderabad with a request to appraise the same to the Hon'ble Tribunal.

Copy to the SF/SC

// FORWARDED :: :: BY ORDER //


SECTION OFFICER

40
28/11/2013

// 4 //

BY RP

Office of the Engineer.in.Chief (Admn. Wing).
Irrigation & CAD Dept, Errum Manzil, Hyderabad.

Endt. No. RC/ENC/A3/D2/OA 7680 of 2013/2013

DT: 26-11-2013

“FORWARDED”

L.Narayan Reddy,
Engineer-in-Chief (Admn. Wing)

To:

Sri L.Viswanatha Reddy, AEE

Thro: The Superintending Engineer, Irrigation Circle, Kurnool.

Sri B.Venkateswara Reddy, AEE

Thro: The Superintending Engineer SRBC Circle, Kurnool

Sri H.Ravi, AEE

Thro: The Superintending Engineer, Special Design Circle, Hyderabad.

Sri A.Chandra Sekhara Rao, AEE,

Thro: The Superintending Engineer, Irrigation circle, Anantapur.

Sri M.Rama Subbaiah, AEE

Thro: The Superintending Engineer, Irrigation circle, Anantapur.

Sri A.Venkata Chalam,AEE

Thro: The Superintending Engineer, Special Design Circle, Hyderabad.

Sri Manikya Choudhari Raghucharan, AEE

Thro: The Superintending Engineer, Irrigation circle, Kurnool.

Sri Kallisetty Mani Chandar Sekhar, AEE,

Thro: The Superintending Engineer, SKD GNSS Circle, Kadapa.

Sri M.Nagabhushanam,AEE

Thro: The Superintending Engineer, Irrigation circle, Anantapur.

Sri Venkata Narayana, AEE

Thro: The Superintending Engineer, AVR HNSS Circle No.2, Anantapur.

Copy to the concerned Superintending Engineers, (under whom the above AEEs are working) with a request to serve the memo to the individual and obtain dated acknowledgement and re-submit to this office.

Copy to the Deputy Executive Engineer (Computers) with a request to place the Memo on the web site.

Copy to D Section.


for Engineer.in.Chief (Admn)
