



**IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI**

**HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE**

**&**

**HON'BLE MR. JUSTICE D.V.S.S. SOMAYAJULU**

**WRIT APPEAL No.520 OF 2022**

*(Through physical mode)*

The Transmission Corporation of Andhra Pradesh Limited, Rep., by Chairman & Managing Director, Vidyuth Soudha, Hyderabad and others.

..Appellants

Versus

K. Seetha Ramaiah, S/o K. Pullaiah,  
Aged about 64 years, Ex-JLM/Hot lines  
Sub-division, APTRANSCO, KADAPA,  
D.No.59/212, Nabikota, Akkayapalli  
(Panchayathi), Near Panchayath Office,  
Kadapa.

...Respondent

Counsel for the appellants : Mr. Y. Nagi Reddy

Counsel for the respondent : Mr. K.B. Ramanna Dora

**ORAL JUDGMENT**

**Dt:15.06.2022**

*(per Prashant Kumar Mishra, CJ)*

This intra-court appeal is directed against the order dated 30.11.2021 passed by learned single Judge in W.P.No.2654 of 2013, which was filed by the respondent-writ petitioner questioning the order passed by appellant No.1 vide Memo.CGM (HRD & Trg.)/DE (DC-I)PO-NA/24/2011, dated 08.01.2013, by which the writ petitioner was dismissed from service.

2. Briefly stated, the facts of the case, which are relevant for the purpose of decision of the present appeal, are that the petitioner, who had worked as Casual labourer in the then Andhra Pradesh State Electricity Board, had appeared for the tests conducted for appointment to



the post of Junior Lineman. Though there is no requirement of production of any certificate of educational qualification for the said post, the petitioner submitted Transfer Certificate, which shows that he had passed 9<sup>th</sup> class. Though he appeared for interview, he was not appointed as Junior Lineman. Hence, he filed W.P.No.2675 of 1996, in which an interim direction was issued, consequent to which, the petitioner was appointed as Junior Lineman with effect from 02.05.1996. While so, after lapse of 15 years, while he was working as Lineman, a Departmental Enquiry has been initiated against the petitioner and charge sheet has been issued alleging that he had produced a false educational certificate at the time of his appointment as Junior Lineman in the year 1996 and thus, he has involved in misconduct under regulation 4-XXXIX and 4-XLIV of APSEB conduct regulations as adopted by AP TRANSCO. The petitioner submitted his explanation. Thereafter, enquiry was conducted, and vide order dated 29.12.2011, the petitioner was awarded punishment of reversion to the post of Junior Lineman from the cadre of Lineman. Neither the employer nor the petitioner challenged the said punishment order. As such, the same has become final and is binding on the parties. However, on 10.09.2012, appellant No.1 (respondent No.1 in writ petition) cancelled the order of punishment and called for explanation from the petitioner as to why he should not be imposed punishment of dismissal from service, and eventually, vide order dated 08.01.2013, the petitioner was dismissed from service.

3. It is the case of the appellants that appellant No.1 (respondent No.1 in the writ petition) invoked the powers under Regulation 14 (A) of the Andhra Pradesh State Electricity Board Employees, Revised Conduct



Regulations and Discipline and Appeal Regulations (for short, 'the Regulations'), which reads as under:

**14 (A) Powers of revision/review:**

(i) An authority superior to the authority having powers of appellate jurisdiction as provided in regulation 13 and 14 above may, SUOMOTU or on application call for the records relating to any order passed or proceedings recorded by a subordinate authority examine its legality, regularity or propriety and pass such orders as it deems fit confirming, setting aside, modifying or revising the order or proceedings under consideration; where the competent authority is satisfied that the order passed:-

- (a) due to inadvertence; or
- (b) on account of false representation of facts before the concerned authority; or
- (c) without hearing the party affected.

4. In the course of hearing today, we enquired from Mr. Y. Nagi Reddy, learned counsel for the appellants, as to whether appellant No.1 (respondent No.1 in the writ petition) is the appellate authority or the authority superior to the appellate authority, he would fairly submit that appellant No.1 (respondent No.1 in the writ petition) is the appellate authority and not an authority superior to the appellate authority.

5. In view of the above submission and in view of the fact that appellant No.1, who passed the order dated 08.01.2013 by exercising the powers under Regulation 14(A) of the Regulations, is not superior to the authority having powers of appellate jurisdiction, and the order dated 08.01.2013 has been passed by the incompetent authority, we are of the considered opinion that the learned single Judge has rightly set aside the order impugned in the writ petition. There is no substance in this Writ Appeal.



6. Accordingly, the Writ Appeal is dismissed. No costs. All pending miscellaneous applications shall stand dismissed.

**PRASHANT KUMAR MISHRA, CJ**

**D.V.S.S. SOMAYAJULU, J**

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