IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE THE ACTING CHIEF JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WRIT APPEAL NO.811 OF 2026
(CNR No.HBHC010339562026)

DATE: 16.10.2026

Reserved on : 13.10.2026 Pronounced on: 16.10.2026
Uploaded on : 16.10.2026

Between:

Telangana State Road Transport Corporation
Rep.by its Managing Director, Bus Bhavan,
Hyderabad, Telangana and five others.

…. Appellants

and

D.Murali Kalyan s/o. D.Man Mohan
r/o. 4-405/4, Shiva Sai Nagar Colony,
Meerpet, Hyderabad.

…. Respondent

JUDGMENT: *(per Hon'ble Sri Justice Suddala Chalapathi Rao)*

The present Writ Appeal has been filed by the appellant-Corporation challenging the interim order, dated 08.04.2026, passed by the learned single Judge of this Court in I.A.No.1 of 2026 in W.P.N.3288 of 2026.

2. The underlying writ petition has been filed before the learned single Judge of this Court to grant the following relief:

> " ….to issue an appropriate Writ or direction or order particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents therein in not appointing the writ petitioner to the post of RTC Constable, even after being selected, declared physical fit, and underwent theoretical training in Zonal Staff Training College, Hakimpet, and also underwent practical training for 21 days, as illegal, unjust, arbitrary, capricious, discrimination and in violation of Articles 14, 16 and 21 of the Constitution of India, read with Section 20(4) of Rights of Persons with the Disabilities Act, 2016, and Regulations 6(A)(5) of TGSRTC Employee's (Service) Regulations, 1964, and consequently to direct the respondents therein to issue appointment order for the post of RTC Constable, duly extending all consequential benefits on par with his colleagues, Ch.Ganesh and others in the interest of justice."

3. Brief facts of the case are that, the mother of the writ petitioner, Smt. A.Chandrakala, E.210710, was appointed as a Conductor in the appellant-Corporation in the year 2001, and in the year, 2017, the mother of the writ petitioner submitted a representation requesting to permit her to retire on medical grounds as she is unable to discharge her duties, and sought an alternative appointment for her son, i.e., for the writ petitioner. Accordingly, on 23.10.2017, the writ petitioner's mother was permitted to retire on medical grounds, and was retired from service with retrospective effect from 19.09.2017. Consequent upon which, all benefits were duly paid to her, however, it is stated that certain monetary benefits were not claimed by her with a view to claim an alternate

appointment for the writ petitioner. Further, in the year 2018, the writ petitioner was duly examined, and subsequently, the writ petitioner was selected for the post of RTC Constable along with others *vide* No.T1/812(1)/2018-ZSTC/HPT, dated 25.04.2018, under the scheme of dependents of deceased/Medical unfit employees, and subsequently, underwent medical examination on 02.03.2018 and he was found fit. As such, the writ petitioner was sent to Zonal Staff Training College, Hakimpet, along with others to undergo theoretical training from 20.04.2018 to 25.04.2018 and thereafter, was directed to undergo practical training at MDN Depot for 15 days from 26.04.2018 to 10.05.2018.

4. It is contended that the writ petitioner was not allowed for further practical training and was directed to appear on 02.05.2018 before the Security Officer, MGBS, and as the petitioner could not appear in full uniform, he was directed to appear in full uniform on 03.05.2018 and though it is contended that he appeared on said date, he was made to run from pillar to post as the writ petitioner filed a representation in 2025 to the appellant-Corporation to send him for further training stating that he could not appear owing to certain

compelling circumstances, and thereafter after repeated persuasions, the appellant-Corporation has offered him a Conductor post vide the impugned letter, dated 09.03.2026 and as such, the writ petitioner was constrained to file the underlying writ petition.

5. The learned Standing Counsel for the Corporation Mr. R.Anurag has contended that in fact, the writ petitioner though successfully underwent theoretical training classes, has not appeared before the appellant-Corporation on the date fixed for practical training in full uniform at MDN Depot on 02.05.2018, and was directed to appear with full uniform and from 03.05.2018 for many years he has not turned out, which was informed by O/o. Security Assistant Sub-Inspector, MDN Bus Depot to the Security Officer, TSRTC, JBS, Picket, Secunderabad *vide* letter dated 10.05.2018, and thereafter, the writ petitioner has approached the Corporation and filed a requisition after almost seven years to send him to further practical training for the post of RTC Constable. However, in the meanwhile, the appellant-Corporation *vide* U.O.Note No.GC1/ 140(37)/2025-PO(T&W), dated 14.08.2025, took a policy decision, keeping in view of the better staff position of RTC

Constables, and as there was shortage of Drivers, Conductors and Shramiks in the Corporation, not to provide the RTC Constable post under Breadwinner and Medical Invalidation Scheme until further orders, and as such, considering the request of the writ petitioner, he was offered the post of Conductor -II in the appellant-Corporation *vide* Lr.No.E1/140(01-MIS)/2026-HR, dated 09.03.2026, on consolidated pay, and directed the writ petitioner to give his willingness within a period of 15 days from the said date and the writ petitioner having been not satisfied with the said letter, has filed the instant writ petition, along with an interlocutory application.

6. Learned single Judge of this Court, after hearing both sides, has granted interim order, dated 08.04.2026, directing the appellant-Corporation to give posting order to the writ petitioner as RTC Constable as per his selection, if found otherwise eligible, within a period of four weeks from the date of receipt of copy of the said order, which is now under challenge in the present Appeal.

7. The sum and substance of the arguments advanced by the learned Standing Counsel appearing for the appellant-Corporation

is that, though the writ petitioner was selected for the post of RTC Constable, and underwent theoretical training, he was further directed to attend the practical training at the appellant-Corporation. However, the writ petitioner did not attend the practical training in proper uniform, and was directed to attend training in full uniform, but he could not attend on the said date and the same was informed to the Security Officer, TSRTC, Secunderabad, by the Security Assistant Sub-Inspector, TSRTC, MDN Bus Depot vide letter dated 10.05.2018. It is further contended that, for all these years, the writ petitioner neither approached the appellant-Corporation nor moved this Court. It is contended that the writ petitioner did not approach the appellant-Corporation for considerable period by disclosing the proper reasons for not approaching the appellant-Corporation, during the intervening period of almost seven years.

8. Learned Standing Counsel would contend that the writ petition is filed seeking a direction to the appellant-Corporation to appoint the writ petitioner for the post of RTC Constable in lieu of his section and completion of the required trainings for the post of RTC Constable. Further, it is contended that without adjudicating

the main writ petition, the learned single Judge has granted the interim relief, which is nothing but amounting to allowing the writ petition in favour of the writ petitioner. On the other hand, it is contended that, all through seven considerable years, the writ petitioner was not diligent enough to approach the appellant-Corporation by filing an appropriate representation or approached this Court, as such, the interim orders are not sustainable and liable to be set aside and quashed.

9. It is also contended that keeping of his mother's repeated requests, the case of the writ petitioner was sympathetically considered *vide* appointment letter dated 09.03.2026, appointing the petitioner to the post of Conductor subject to certain conditions under letter, dated 09.03.2026 and without joining into service pursuant to the appointment order, the petitioner has filed the present writ petition.

10. Learned counsel Mr. V.Narsimha Goud, appearing for the respondent/writ petitioner would contend that it is an admitted fact that the writ petitioner was appointed for the post of RTC Constable, and he has undergone theoretical training as well as practical

training. However, on the fateful day i.e., 02.05.2018, due to several circumstances beyond his control, he could not present himself in a proper uniform, and though the writ petitioner has reported on the next day, he was not considered and sent from pillar to post, and more so, all these years due to several circumstances beyond his control, he could not approach the appellant-Corporation or this Court. Learned counsel for writ petitioner would contend that in similar circumstances, the Hon'ble Supreme Court in the cases of **Union of India and others v. Tarsem Singh**[1] and **Noida Toll Bridge Company Limited v. Federation of Noida Residents Welfare Association and others[2],** in principle, held that for delay and latches on the part of the writ petitioner or the person affected, who was denied proper employment, cannot by itself be a reason to negate the relief, if he is otherwise entitled. Further, the Appeal was heard and reserved for orders at that juncture. The learned counsel for respondent/writ petitioner has filed certain documents obtained under RTI Act and contends that the appellant-Corporation have themselves not allowed the petitioner to continue further training,

[1] (2008) 8 SCC 648
[2] (2025) 6 SCC 717

therefore, it is contended that the interim orders passed by the learned single Judge does not need any interference in the instant Appeal.

11. Heard Mr. R.Anurag, learned Standing Counsel for appellant-Corporation and Mr. V.Narsimha Goud, learned counsel for the respondent/writ petitioner, and having given earnest consideration to their submissions, perused the record.

12. Evidently, though it is an admitted fact that the writ petitioner was directed to attend practical training from 26.04.2018 to 10.05.2018, and he was directed to report at MDN Depot on 02.05.2018 and he has not reported to the respondent-Corporation at MDN Depot on 02.05.2018 in a proper uniform. Thereafter, the fact remains that, the writ petitioner did not report for duty in the year 2018, and further, the petitioner approached the Corporation in the year 2025, when a policy decision was taken not to appoint the dependants of the employees as RTC Constable in the said scheme of appointment in view of availability of adequate RTC Constables. As such, it is contended that with a view to providing the writ petitioner an opportunity for employment, he was directed to join

the Corporation as RTC Conductor *vide* impugned letter dated 09.03.2026.

13. Further, it is vehemently contended by the learned counsel for the writ petitioner that though the writ petitioner reported for duty on 03.05.2018, pursuant to the directions issued by the appellant-Corporation, he was not permitted to undergo further training, and in support of the said contention, the learned counsel for the writ petitioner relies upon the documents filed as additional evidence to establish that the appellant-Corporation itself discontinued the petitioner from training. The said facts further require examination while adjudicating the writ petition. More so, when the writ petition is still pending before the learned single Judge, any interim relief, which is virtually amounting to allowing of the main writ petition itself, cannot be dealt by way of interlocutory orders. The impugned interim order passed by the learned single Judge is nothing but amounting to allowing writ petition. Thus, in our considered view, the orders under challenge cannot be sustained and more so, the additional documents filed in the Writ Appeal has to be dealt by the learned single Judge while hearing the main writ petition, as such,

without expressing any findings on merit of the case, we deem it appropriate to set aside the interim order passed by the learned single Judge.

14. Accordingly, the Writ Appeal is allowed, and the interim order, dated 08.04.2026, passed by the learned single Judge of this Court in I.A.No.1 of 2026 in W.P.N.3288 of 2026, is hereby set aside. We hereby request the learned single Judge having the roster to deal with the main Writ Petition and dispose of the same on priority basis.

Further, the Registry is directed to list the Writ Petition No.3288 of 2026 before the learned single Judge for hearing on 29.10.2026.

There shall be no order as to costs. Pending miscellaneous applications, if any, shall stand closed.

_____

P.SAM KOSHY, ACJ

_____

SUDDALA CHALAPATHI RAO,J

Date: 16.10.2026
kkm

THE HON'BLE THE ACTING CHIEF JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WRIT APPEAL NO.811 OF 2026
(CNR No.HBHC010339562026)

DATE: 16.10.2026

kkm