

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

AND

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Writ Appeal No.1522 of 2005
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JUDGMENT: (Per the Hon'ble Sri Justice L.Narasimha Reddy)

The appellant states that he was initially appointed as Grade-III Accountant, in the A.P. Civil Supplies Corporation Limited i.e. respondents, in the year 1979. Thereafter, he was promoted to the post of Grade-II Accountant, on 07.03.1984. Next promotion from Grade-II Accountant is the post of Accountant Grade-I.

In the establishment of the respondents, there appears to be equivalence between the posts of Accountants and Assistants. Two persons, by name, G. Nagabhushan Rao and B. Asi Babu were initially appointed as Assistants Grade-III in the year 1982 i.e. three years subsequent to the recruitment of the appellant. However, they are said to have been promoted to the post of Assistants Grade-II, in the year 1982 itself, and this obviously, is two years earlier to the promotion of the appellant to the post of Accountant Grade-II. Subsequently, those two individuals were converted as Accountants Grade-II. Both of them were placed above the appellant in the seniority list for the post of Accountant Grade-II. The appellant was placed at serial No.9 and those two individuals at serial Nos.7 and 8, in the seniority list supplied through proceedings, dated 03.03.1990. Challenging the same, the appellant filed W.P.No.18080 of 2001. A learned Single Judge dismissed the writ petition through order, dated 21.07.2005. Hence, this writ appeal.

Heard Sri Venkateswara Rao Gudapati, learned counsel for the appellant, and Sri D.Linga Rao, learned Standing Counsel for the respondents.

The grievance of the appellant, if at all, has arisen when the seniority list for the post of Grade-II was prepared vide proceedings, dated 06.02.1988. The promotion to the post of Grade-II Accountant took place in the year 1984. It does not appear that the appellant has made any protest at that time. The seniority list for the post of Accountant Grade-I was published through circular memo, dated 03.03.1990. It is no doubt true that the appellant made certain representations in this behalf.

In the writ petition, the learned Single Judge took into account, the purport of Rule 18(c) of the A.P. State Civil Supplies Corporation Limited Rules (for short 'the Rules'), and found that there was no infraction thereof, vis-à-vis the appellant.

We find serious flaw in the present set of proceedings initiated by the appellant. He was claiming seniority over two persons, by name

G. Nagabhushan Rao and B. Asi Babu. It is not as if those two have occupied places above the appellant after promotion to the post of Accountant Grade-I. They occupied such higher places even in the post of Accountant Grade-II.

If one takes into account, the purport of Rule 18(c) of the Rules, it becomes clear that whenever an employee in a particular category or group moves to another post, carrying same pay scale, he will carry with him, the date of appointment to that category. In the instant case, if the two persons namely, G. Nagabhushan Rao and B. Asi Babu, have been appointed or promoted to the post of Assistants Grade-II on a date earlier to the date of promotion of the appellant to the post of Accountant Grade-II, such placing would certainly accord with the Rules. If, on the other hand, their promotion to the post of Assistant Grade-I was subsequent to that of the promotion of the appellant to the post of Accountant Grade-II, a different approach is needed. This, however, is a matter for

verification, and even now, the appellant can make a representation in this behalf.

Hence, the writ appeal is disposed of, leaving it open to the appellant to submit a representation to respondents 1 and 2, in this behalf. As and when such representation is received, the respondents shall examine the same with reference to the relevant rules and the facts reflected in the records. If they find that any alternations become necessary in the seniority list, an opportunity of submitting representation shall be given to the persons affected. This exercise shall be completed within three months from the date of receipt of a copy of this order. There shall be no order as to costs.

The miscellaneous petition filed in this writ appeal shall also stand disposed of.

L.NARASIMHA REDDY, J.

CHALLA KODANDA RAM, J.

Date:10.07.2014
GJ