

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 9368 OF 2014

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ORDER:

The petitioner joined in service as Record Assistant in Sri Ganapeswara Swamy Temple, Ganapeswaram Village, Nagayalanka Mandal, Krishna District and he is working in the said capacity till date. The petitioner also worked from 2003 to 2008 in Sri Jagannadha Swamy Temple, Machilipatnam, Krishna District. He was posted to Sri Lankamma Ammavari Temple, Avanigadda Village, Krishna District. This Writ Petition is instituted praying to issue Mandamus in directing the respondents to consider the claim of the petitioner for promotion as Senior Assistant in the Temple in which he is working on deputation on par with the person by name Sri Venkatappaiah, who is claimed to be junior to the petitioner, already promoted as Senior Assistant.

When the matter is taken up for consideration, the learned Government Pleader for respondents 1 to 4 submitted that the petitioner is on deputation to 7th respondent-Temple and he is comparing the *interse* seniority and granting of promotion to Mr. Venkatappaiah, who was promoted in parent temple.

Learned counsel appearing for respondents 5 to 7 submits that the petitioner cannot insist for promotion in the borrowing temple and cannot compel the borrowing authority to grant promotion merely because his junior was promoted and without looking into the requirement of cadre, availability of vacancy, seniority and other eligibility criterion, no such promotion can be granted in the 7th respondent-Temple.

Counsel appearing for the petitioner submits that at the instance of the authorities concerned, his junior was promoted to a higher cadre while he is on deputation. Though the petitioner is willing to go back to his parent department, no such orders of relief of repatriation is passed. The petitioner continued to be posted in the 7th respondent-Temple. Having regard to the services rendered by him, he is entitled for promotion, as he is serving in the same post for more than 22 years.

The consideration of promotion depends on the seniority and other eligibility criterion within the unit of appointment to which a person is recruited. The parent unit of the petitioner is 6th respondent-Temple. Any claim for promotion depends on the seniority, eligibility and availability of vacancies in the 6th respondent-Temple. As the petitioner is on deputation, his junior was promoted in the parent unit. If the petitioner is aggrieved, he could have asked for repatriation and grant of notional promotion in the parent unit. Unless permission is granted to the petitioner by the parent unit, he cannot seek to continue in higher post and he cannot seek to be posted in higher post in the borrowing authority. The petitioner cannot compel the borrowing authority to give promotion merely because in the parent unit his junior was promoted. Nothing prevented the petitioner to claim repatriation to his parent unit if he wants promotion to a higher cadre. The petitioner is comparing with the promotion given to Mr. Venkatappaiah, who is admittedly a person working under the 6th respondent-Temple and the petitioner is working in a different temple. Each temple is an independent unit and the petitioner cannot compare the promotions granted in his parent unit and such relief claimed by the petitioner cannot be granted.

Accordingly, the Writ Petition is dismissed. However, it is always open to the petitioner to make a claim or request for repatriation to the parent unit i.e., 6th respondent and on such request, the same shall be considered by the 6th & 7th respondents. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

P. NAVEEN RAO,

J

Date: 09.12.2015

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