

HON'BLE SRI JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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WRIT APPEAL No. 308 OF 2015

P.C: (per the Hon'ble Sri Justice Dilip B. Bhosale)

Heard learned counsel for the appellants.

This writ appeal is directed against the order dated 06-06-2014 passed in Writ Petition No.3508 of 2002, filed by the 3rd respondent. By the writ petition, the 3rd respondent challenged the action of the appellants and the 1st respondent, in promoting the 4th respondent as Assistant Engineer on regular basis vide proceedings dated 03-01-2002, as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India. He also prayed for setting aside the proceedings dated 03-01-2002 and the consequential proceedings dated 08-02-2002, whereby the 4th respondent was promoted as Assistant Engineer. The 3rd respondent also sought direction to consider his case for promotion to the post of Assistant Engineer on regular basis with effect from 13-11-1991 in terms of G.O.Rt.No.114, dated 19-04-1999.

We are informed that the 4th respondent, though served, did not appear in the writ petition. Though the name of Sri K. Mohan Rami Reddy, advocate is shown to have appeared for him, as a matter of fact, he, at the relevant time, was a Standing Counsel for the appellant – Andhra Pradesh State Housing Corporation and he had no concern either with the writ petition or with the 4th respondent.

Be that as it may, it is not in dispute that the 3rd respondent was entitled for promotion to the post of Assistant Engineer on regular basis with effect from 13-11-1991 in terms of G.O.Rt.No.114, dated 19-04-1999. In view thereof, learned Judge after considering over all facts and circumstances of the case, and so also G.O.Rt.No.114, dated 19-04-1999 directed the appellants to give effect to the

promotion of the 3rd respondent as Assistant Engineer with effect from 13-11-1991 in terms of the said G.O, with all attendant benefits, as were given to the 4th respondent and place him in the seniority list of Assistant Engineers above the 4th respondent. The 4th respondent has not challenged the order passed by the learned single Judge in Writ Petition No. 3508 of 2002. When we asked learned counsel for the appellants as to how the appellants are aggrieved by this order, he could not and did not give any satisfactory reply. Similarly, he did not dispute that the 3rd respondent was entitled for promotion as per G.O.Rt.No.114, dated 19-04-1999.

In the circumstances, we find no merit in the writ appeal. The writ appeal is accordingly dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, J

A. RAMALINGESWARA RAO, J

21-04-2015

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