

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLR SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.5937 OF 2015

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

In this Writ Petition, the action of the Tribunal, passing an order in O.A.No.3428 of 2014 on 21.10.2014, directing the matter to be posted for hearing in the usual course, is under challenge. The petitioners seek a further direction to the respondents to stay all further proceedings pursuant to the memo dated 15.05.2014.

Sri J.R.Manohar Rao, learned counsel for the petitioners, would submit that the petitioners herein are all direct recruit Divisional Account Officers Grade II; appointment to the post of Divisional Account Officers Grade II is 50% by promotion and 50% by direct recruitment; promotion to the next higher post, from the feeder category of Divisional Accounts Officer Grade II, is to the post of Divisional Accounts Officer Grade I; an integrated seniority list of Divisional Accounts Officers Grade II was prepared on the basis of the Government Memo dated 03.05.2014 whereby temporary vacancies, in the posts of the Divisional Accounts Officer Grade II, were also directed to be taken into consideration in preparing the integrated seniority list; the petitioners herein submitted their objections thereto; Memo dated 15.05.2014 was issued thereafter directing preparation of an integrated seniority list in terms of the Government Memo dated 03.05.2014; allocation of employees, in the cadre of Divisional Accounts Officer Grade-II between the States of Telangana and Andhra Pradesh is to be finalised by 13.04.2015; taking into consideration temporary vacancies is not only in violation of the extant rules in this regard which require only substantive vacancies to be taken into consideration, but it would also increase the number of promotees to be included in the integrated seniority list; thereby, the petitioners would be deprived of being allocated to the State of their choice; they would also lose further avenues of promotion to the post of Divisional Accounts Officer

Grade I; and, despite the urgency, the Tribunal has not taken up the interlocutory application, and has directed that the O.A. be posted for hearing in the usual course.

Learned counsel would submit that, if the interlocutory application is not taken up for hearing by the Tribunal on or before 13.04.2015 and, in the interregnum, allocation is made, the petitioners would suffer irreparable injury.

Learned Government Pleader for Services would submit that, as the Tribunal has not decided the interlocutory application, the petitioners cannot directly invoke the jurisdiction of this Court under Article 226 of the Constitution of India; and the only relief which the petitioners are entitled to, if at all, is for the Tribunal to be directed to hear the interlocutory applications filed by them; and to pass orders thereupon in accordance with law.

The submissions urged before us by Sri J.R.Manohar Rao, learned counsel for the petitioners, cannot be said to be without merit. As the Tribunal does not appear to have passed any order in the interlocutory applications filed by the petitioners, and in view of the urgency expressed by the learned counsel, we consider it appropriate to request the Tribunal to hear the interlocutory applications at the earliest, preferably before 13.04.2015.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(M.SATYANARAYANA MURTHY, J)

6th April 2015

Note: Issue CC by two days

B/O

RRB