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ORDER:- (per Hon'ble Sri Justice G. Chandraiah)

This writ petition is filed for the following substantive relief:

“...to issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus relating to and connected with the order and judgment dated 07.09.2004 rendered in O.A.No. 6605 of 2000 and quash or set aside the same holding it unjust, untenable and arbitrary and to pass....”

Respondent Nos.3 to 6 herein filed O.A.No. 6605 of 2000 before the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity “the Tribunal”) under Section 19 of the Administrative Tribunals Act, 1985 seeking for the following reliefs:

- a) To declare that the seniority of the applicants and respondents 4 to 15 for promotion to the post of Co-operative Sub-Registrars should have been counted based on the total length of service;
- b) Applicants are entitled to be promoted in preference to respondents;
- c) Applicants are entitled to be promoted as Co-operative Sub-Registrars if necessary by reverting the unofficial respondents 4 to 15;
- d) Applicants shall be treated as seniors to the unofficial respondents 4 to 15 in the category of Senior Inspectors and Co-operative Sub-Registrars.

and the Tribunal, by order dated 07.09.2004, while disposing of the O.A. held that the seniority of the

applicants is to be counted in terms of the judgment of the Tribunal in O.A.No. 2125 and 2126 of 1997 (Sic. 1993) and directed the official respondents to extend the benefits of the judgment in O.A.Nos.2125 and 2126 of 1993 to the applicants and consider their cases for promotion to the posts of Co-operative Sub-Registrars treating them as seniors to unofficial respondents therein. Some individuals filed O.A.Nos.2125, 2126, 4584 and 4808 of 1993, and the Tribunal, by judgment dated 19.12.2003, while partly allowing O.A.Nos.2125, 2126 and 4808 of 1993, closed O.A.No. 4584 of 1993. While some aggrieved parties filed W.P.Nos. 21231, 10010, 21224, 7041, 7896 and 7897 of 2004 challenging the judgment dated 19.12.2003, some other aggrieved parties filed W.P.No.7341 of 2004 against the order dated 28.11.2003 and yet other aggrieved parties filed W.P.No. 3120 of 2003 against the order dated 03.12.2002. The issue that called for consideration in these eight batch of cases is;

“In the event of non-availability of S.C. and S.T. candidates for being promoted to the posts of Senior Inspectors and Co-operative Registrars in the Co-operative Department for more than two years, whether the posts which are meant to be filled up by the reserved candidates get de-reserved automatically for non-availability of the reserved candidates or whether the backlog vacancies are liable to be carried forward beyond two years?”

and a Division Bench of this Court, clubbed all these batch of cases, and vide Common Judgment, dated 04.02.2005, while dealing with the issue extensively, allowed all the writ petitions by making the following

observations:

“Under those circumstances, we hold that the findings of the Tribunal that the carry forward rule in respect of backlog posts reserved for S.C. and S.T. candidates in the promotional cadre gets broken after two years of the availability of such posts if such posts are not filled up due to non-availability of the candidates, are not sustainable. Accordingly, the findings recorded by the Tribunal stand set aside. But, however, the further question that calls for consideration is as to the seniority that should be assigned to the reserved candidates, who got accelerated promotion on account of the reservation made in the promotion quota. This aspect has to be considered by the Tribunal with reference to the case in *Ajit Singh vs. State of Punjab* which has dealt with this principle in *extenso*. This Court would have decided the matter itself, but since the individual cases are involved apart from the general principle, we feel it proper that the matters should be decided by the Tribunal basing on the respective merit keeping in view the principles and also the directions laid down in *Ajit Singh's* case.

Accordingly, all the writ petitions are allowed and the orders of the Tribunal are set aside and the matters are remitted back to the Tribunal for fresh consideration. The Tribunal shall issue notices to the parties and decide the matter as directed above, keeping in view the observations made *supra*, within a period of four months from the date of receipt of a copy of this order”.

The learned Government Pleader for Services-I appearing for respondent Nos.1 and 2 has submitted that the issue involved in the present writ petition is squarely covered by the Common Judgment dated 04.02.2005 delivered in W.P.Nos.21231 of 2004 and batch, as such, this writ petition may be disposed of in terms thereof.

The learned counsel for the petitioner has not opposed the submission made by the learned Government Pleader.

In view of the submissions made by the learned

counsel for both the parties and having carefully perused the material placed on record, this writ petition is allowed in the same terms as observed in the Common Judgment dated 04.02.2005 delivered in W.P.No. 21231 of 2004 and batch. No order as to costs.

As a sequel to the allowing of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

21.12.2015

**U. DURGA PRASAD
RAO,J**

bcj