

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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WRIT PETITION No.30409 of 2014

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ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

The order under challenge in this Writ Petition is the order passed by the Tribunal in V.M.A.No.1053 of 2014 in O.A.No.3973 of 2014 dated 25.09.2014.

On the petitioner invoking its jurisdiction by way of O.A.No.3973 of 2014, the Tribunal, by its order dated 01.07.2014, directed the respondents not to fill up one post of Superintendent in Zone-I in the Department of School Education pending further orders. Thereafter, on vacate stay petitions being filed along with the counter-affidavits of the Government and the fifth respondent, the Tribunal, by the order under challenge in this Writ Petition, modified the earlier interim order dated 01.07.2014 and made the promotions, to the post of Superintendents in Zone-I, subject to the result of the O.A. Having so held, the Tribunal noted that, as the matter pertains to the interpretation of the Presidential Order, regarding organization of the post of Senior Assistant, it was desirable that the O.A. be heard by a Division Bench.

Sri V.Mallik, learned counsel for the petitioner, would submit that, once the learned single Judge opined that the matter was required to be heard by a Division Bench, he ought not to have modified the earlier interim order, but should have left the matter to be examined by the Division Bench of the Tribunal; and the fortitious circumstance, of the unofficial respondents being promoted as Senior Assistants earlier as they belonged to Srikakulam District, cannot result in the petitioner, who is admittedly senior to them in the post of Junior Assistant, being deprived of his seniority for promotion to the

post of Superintendent which is a Zonal post.

On the other hand, Sri Pratap Narayan Sanghi, learned counsel for the fifth respondent, would submit that any delay in considering the promotion of the eligible candidates in Zone-I would deprive them of their seniority in the post of Superintendent which, in turn, would result in their being deprived of their further promotion as Assistant Director which is a State-wide post.

While these are matters which the Division bench of the Tribunal would examine, the fact remains that the Tribunal, in the order under challenge, has not assigned any reasons for modifying the earlier interim order, and in holding that the selections will be subject to the result of the O.A. The order under challenge in this Writ Petition is set aside. As a result the earlier interim order, of one post being kept unfilled, shall remain in force. As the matter has now been referred to it, the Division Bench of the Tribunal shall either consider the V.M.A, or the O.A. itself, with utmost expedition.

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

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

27th April, 2015.

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