

THE HON'BLE SRI JUSTICE K.C.BHANU

AND

THE HON'BLE MRS. JUSTICE ANIS

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WRIT PETITION No.21007 OF 2015

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ORDER: (per Hon'ble Sri Justice K.C.Bhanu)

This Writ Petition is filed challenging the order dated 01.06.2015 in O.A.No.2181 of 2012 with C.A.No.1177 of 2013 and V.M.A.No.1927 of 2013 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, "the Tribunal").

2. The applicant filed the aforementioned Original Application before the Tribunal to call for the original records pertaining to Circular Memo No.960/Ser.1(3)/2011-1, dated 06.02.2012 and set aside the same both zone-wise and integrated in so far as the inclusion of persons died/retired/not promoted as Deputy Executive Engineers till today, in their respective panels in the above impugned proceedings, and as a consequence thereof move the applicants upward in their respective slots pertaining to Assistant Engineers in the Panel of Deputy Executive Engineers.

3. The Tribunal, vide the impugned order, dismissed the Original Application. Hence, the Writ Petition.

4. Heard the learned counsel for the petitioners and the learned Government Pleader for Services (Andhra Pradesh).

5. The petitioners challenged the seniority list of the Deputy Executive Engineers in Roads and Buildings Department issued vide Circular Memo No.960/Ser.I (3)/2011-1, dated 06.02.2012 issued by the second respondent. It is their case that without taking into account of

their objections to the provisional seniority list, the second respondent finalized the seniority. It is their grievance that though several contentions were raised by them in the Original Application, those contentions have not been taken into consideration by the Tribunal and the Original Application was dismissed.

6. The contention of the learned counsel for the petitioners herein is that the petitioners contended in the Original Application that the second respondent included names of some persons who were not promoted as Deputy Executive Engineers till the date of submission of the objections and name of some other persons who were promoted from the other feeder category of the Assistant Executive Engineer though they were appointed initially as Assistant Engineers and subsequently upgraded as Assistant Executive Engineers and consequent of their acquiring degree qualification and that names of some other persons who died and retired before the date of their actual promotions, and that one candidate does not possess the requisite qualification and inclusion of the reserved candidate is wholly unjustified; that due to inclusion of the 8 members in the seniority list, their chances of getting promotion has become bleak and so, the seniority list is against the rules; but the Tribunal has not addressed on any of the aforesaid objections; hence, he prays to set aside the impugned order.

7. Admittedly, the Tribunal has not recorded finding on any of the aforesaid contentions and dismissed the Original Application. Therefore, the impugned order is liable to be set aside.

8. The Writ Petition is, accordingly, allowed setting aside the impugned order. The matter is remanded to the Tribunal with a request to dispose of the aforementioned Original Application afresh in

accordance with law duly recording findings on the aforesaid contentions, after giving reasonable opportunity to both the parties. We request the Tribunal to make endeavour to dispose of the Original Application within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand dismissed.

K.C.BHANU, J

ANIS, J

Date: 10.07.2015

vhb