

THE HON'BLE SRI JUSTICE K.C.BHANU

AND

THE HON'BLE MRS. JUSTICE ANIS

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WRIT PETITION No.311 OF 2013

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

This Writ Petition is filed challenging the order dated 06.02.2012 in O.A.No.8892 of 2010 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, "the Tribunal").

2. The respondent herein/applicant filed O.A.No.8892 of 2010 before the Tribunal seeking to declare that he is entitled to be treated as Sub Inspector (S.I.) Civil of 1989 batch of direct recruitees and a consequential relief that he is entitled to get his seniority reckoned at least as a last candidate of 1989 batch of direct recruitees S.I. Civil of City by declaring proceedings Rc.No.851/E1/2010, dated 27.07.2010, issued by the fifth petitioner herein as illegal and arbitrary. He also filed O.A.No.3914 of 2010, seeking to declare that he is entitled to be treated as Sub Inspector Civil of 1989 batch of direct recruitee and a consequential relief that the applicant is entitled to get his seniority reckoned at least as a last candidate of 1989 batch of direct recruitees S.I. Civil of City by declaring proceedings R.C.No.851/F1/05, dated 21.06.2006 issued by the second respondent as illegal and arbitrary.

3. It is the case of the applicant that the Deputy Inspector General (for short, 'D.I.G.') of Police, Hyderabad Range and the Director General of Police (for short, 'the D.G.P.') also

recommended through their proposals to give seniority to the respondent herein vide proceedings dated 24.5.2005 and 21.06.2006 respectively. As there was no action on the proposals, the respondent herein filed the said Original Applications.

4. The Tribunal, upon considering the material on record, allowed the Original Applications with the following observations:

“...The impugned order issued by the Additional Director General of Police (Administration), A.P., Hyderabad in Rc.No.851/E1/2010, dated 27.07.2010, rejecting the request of the applicant which was communicated to him vide Memo No.L&O/E5/638/2010, dated 12.08.2010, of the Commissioner of Police, Hyderabad, is illegal and arbitrary and is liable to be set aside, and accordingly, set aside. The respondents are directed to treat the applicant as a last candidate of 1989 batch of direct recruits of Sub-Inspector of Police of City and he is entitled for all the consequential benefits, including promotion to the next higher category.

The respondents are directed to implement the orders within a period of 4 (four) weeks from the date of this order”.

Challenging the said order, the Government has filed the present Writ Petition.

5. It is not in dispute before this Court that the respondent herein was promoted as Circle Inspector on 23.08.2007. It is also not in dispute that the Commissioner of Police, Hyderabad City, recommended by sending proposals for giving seniority to the respondent herein along with his batch mates of 1989 batch, vide letter dated 28.04.2005. Further, it is not in dispute that similarly situated persons were given said benefit by fixation of seniority in G.O.Ms.No.305, dated 24.06.2009, G.O.Ms.No. 306, dated 24.06.2009, G.O.Ms.No.9, dated 07.01.2011 and G.O.Ms.No.2447,

dated 21.12.2012, and were extended benefit of retrospective seniority from the date of selection as the last candidate in their respective batches.

6. As seen from the above chain of events, it is clear that there is no justification in denying the seniority as a last candidate of 1989 batch of Sub-Inspectors. When the D.G.P. has sent the proposals to the Government, how the Additional Director General of Police has rejected the request of the respondent on the ground of delay? It is totally without jurisdiction. Considering this aspect of the case, the impugned proceedings issued by the Additional Director General of Police, dated 27.07.2010, was rightly set aside by the Tribunal and that order needs no interference by this Court and the Writ Petition is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

K.C.BHANU, J

ANIS, J

Date: 07.07.2015

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