

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No.27823 of 2015

ORDER: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This writ petition is directed against an interlocutory order passed in O.A.No.4265 of 2015 by the Andhra Pradesh Administrative Tribunal instituted by this very petitioner. The interim relief prayed for by the applicant before the Tribunal in the O.A. is to direct the respondents to forthwith consider the case of the applicant for promotion to the post of C.T.O as per the seniority following the rule of reservation of Rule 22 of State and Subordinate Service Rules with reference to the proceedings dated 17.08.2013 issued by the second respondent. The Tribunal has rejected the said relief. Hence, this writ petition.

On 17.08.2013, the Commissioner of Commercial Taxes has inflicted a punishment of withholding of two annual increments with cumulative effect on the petitioner herein. Challenging the said order, O.A.No.7028 of 2013 appears to have been filed by the petitioner herein. Entertaining that O.A., the Tribunal seems to have suspended the operation of the proceedings dated 17.08.2013 of the Commissioner of Commercial Taxes. Therefore, the petitioner filed the present O.A. But however, we feel, erroneously he sought for an interim relief from the Tribunal seeking direction to consider his case with reference to the very same proceedings dated 17.08.2013.

Be that as it may, the learned Government Pleader has since secured instructions and would submit that so far 49 posts have been filled up and in the overall seniority list, the writ petitioner is standing at

serial No.62 and amongst the candidates belonging to Scheduled Castes, he stands at serial no.9. Whereas, out of 49 posts so far filled, 8 candidates belonging to Scheduled Castes as per their slots, have already been filled up. In these set of circumstances, no cause of action has in fact arisen for the petitioner to seek any relief.

Therefore, there is no necessity to entertain this writ petition and it is accordingly dismissed.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

27.10.2015
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