

W.P. No. 8726 of 2003

DATE: 02.11.2015

Between:

D. Rajaratnam

.. Petitioner

And

Govt. of A.P.
and four others

.. Respondents

-
-
-
-
-
-
-

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

This writ petition is filed for the following substantive relief:

“...to issue a writ or order or direction particularly a writ of certiorari calling for the records pertaining to O.A.No. 2895 of 2002, dated 13.03.2002 and set aside the same by declaring the action of the respondents for not bringing the rival contentions of the other applicants who filed O.As. which are pending for disposal of the batch petitions before the A.P. Administrative Tribunal at Hyderabad, to resolve the issue in question once for all, as arbitrary and illegal and also to declare that a degree qualification is must for promotion to the post of Assistant Backward Class Welfare Officer which is a Gazetted one in the interest of justice.”

The grievance of one of the applicants namely K.Rajanna, the 5th respondent herein, before the Tribunal, is that he is working as Grade-I Warden in Nizamabad District and even though he is senior, his case is not considered for promotion to the post of Assistant Backward Class Welfare Officer on the ground that he does not possess degree qualification while his juniors are promoted. The Tribunal, by the impugned order dated 13.03.2002 in O.A.No. 2895 of 2002, based on the submissions made by the learned counsel for both the parties therein, disposed of the O.A. in terms of the order

passed in O.A.No.6876 of 2001 which is squarely covered. The relevant portion of the order in O.A.No. 6876 of 2001 is as follows:

“Therefore, the action of the respondents in insisting for degree qualification for the purpose of promotion to the post of ABCWO from the category of Wardens/Matrons Grade-I has to be held as not in accordance with statutory rules. Therefore, the respondents are directed to consider the case of the applicant for promotion as ABCWO without insisting on degree qualification strictly in terms of G.O.Ms.No. 36, BC Welfare, dated 09.07.1996 on par with his juniors provided he is otherwise eligible for promotion as ABCWO. The above exercise should be completed within 8 weeks from the date of receipt of this order. The O.A. is accordingly disposed of. No costs.”

The purport of the impugned order is that one N.Vidyasagar and another who possess qualifications of degree, filed W.P.No. 7569 of 2002 challenging the order in O.A.No. 6876 of 2001, and this Court dismissed it by order dated 23.12.2013, observing that no further direction can be given to invalidate the order obtained in O.A.No. 6876 of 2001 as the same has become final. The case of the present writ petitioner – D.Rajaratnam is similar to that of the petitioners in W.P.No. 7569 of 2002.

Sri M.V.Rajaram, learned counsel for the petitioner, has submitted that the order of the Tribunal in O.A.No.6876 of 2001 was suspended by this Court by order dated 15.04.2002 passed in W.P.M.P.No.8552 of 2002 in W.P.No. 6819 of 2002 which was filed by the petitioner herein and five others, and he has taken a further plea that other O.As. filed by other applicants are

pending for disposal before the A.P. Administrative Tribunal at Hyderabad and the issue in question has to be resolved once for all, as such, the impugned order is liable to be set aside.

The learned Government Pleader for Social Welfare appearing for respondent Nos.1 to 4 has submitted that the impugned order dated 13.03.2002 passed by the Tribunal is perfectly justified and the same cannot be interfered with.

Heard the learned counsel for both the parties and perused the material placed on record.

Inasmuch the present writ petitioner is not a party either to O.A.No. 2895 of 2002 or to O.A.No. 6876 of 2001, he has filed an application seeking leave to file this writ petition, and this Court, by order dated 30.04.2003, granted leave and subsequently admitted the matter.

Even though the learned counsel for the petitioner has contended the order dated 06.03.2002 in O.A.No. 6876 of 2001 was suspended by this Court in W.P.M.P.No. 8552 of 2002 in W.P.No. 6819 of 2002 which was filed by the petitioner herein and five others, subsequently, the writ petition was dismissed as infructuous on 22.07.2013. Thereafter, W.P.No. 7569 of 2002 filed by one N.Vidyasagar and another, who possess qualifications of degree, challenging the order in O.A.No. 6876 of 2001, was dismissed by this Court by order dated 23.12.2013, observing that no further direction

can be given to invalidate the order obtained in O.A.No. 6876 of 2001 as the same has become final. In the light of the orders of dismissal passed by this Court in both W.P.No. 7569 of 2002 and W.P.No.6819 of 2002, we do not see any reason to interfere with the impugned order dated 13.03.2002 as the same was disposed of in terms of the order passed in O.A.No. 6876 of 2001 which has attained finality.

Hence, there is no merit in the writ petition and the same is accordingly dismissed. No order as to costs.

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

G. CHANDRAIAH, J

02.11.2015

U.DURGA PRASAD

RAO,J

bcj