

HON'BLE SRI JUSTICE G. CHANDRAIAH
&
HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

-
W.P.No. 6518 of 2005

-
DATE: 29.12.2015

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Between:

M. Brahmaiah

.. Petitioner

And

The Govt. of Andhra Pradesh
and four others

.. Respondents

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

This writ petition is filed seeking to declare the order dated 01.03.2005 passed in O.A.No. 2600 of 2002 by the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity "the Tribunal) as arbitrary and illegal and consequently direct the respondents to promote the writ petitioner as Community Health Officer with effect from 22.06.1998, the date on which promotion proceedings were issued to his juniors.

The case of the petitioner is that by virtue of the proceedings dated 27.06.1997 issued by the 3rd respondent - Regional Director of Medical and Health Services, he was promoted as Multipurpose Health Extension Officer (M.P.H.E.O.). While so, it is stated that subsequently, the

3rd respondent, by order dated 08.01.1998, notionally fixed seniority of the petitioner in the feeder category with effect from 11.5.1989. It is further stated that for considering the cases for promotion to the Posts of Community Health Officers, a Departmental Promotion Committee was conducted on 09.06.1998 and the

petitioner was eligible to be considered for promotion to the post of Community Health Officer with effect from 22.06.1998. Now, the grievance of the petitioner is that the Tribunal did not consider the case of the petitioner for giving notional promotion as Community Health Officer with effect from 22.06.1998, the date on which his juniors were promoted. His further grievance is that even the *inter se* seniority list of M.P.H.E.O.s was revised by the Director of Health, Andhra Pradesh, Hyderabad on 10.02.2000 duly including names of certain M.P.H.E.Os. along with the petitioner as they were notionally promoted and the petitioner became eligible for promotion as Community Health Officer during the panel year 2000-2001, however the Tribunal, by order dated 01.03.2005, dismissed O.A.No. 2600 of 2002 holding that by the time the petitioner's name came up for consideration, he retired from service on 13.09.2000 and also for non-joinder of necessary and proper parties. Hence, the present writ petition is filed seeking appropriate directions.

We have carefully perused the material placed on record.

This Court, by order dated 06.04.2005, while admitting the writ petition, did not give any interim direction to the authorities concerned. Moreover, by virtue of the order dated 20.04.2011 passed by this Court, it is apparent that inasmuch as the petitioner has not complied with the objections raised by the Registry regarding

payment of *batta* in spite of the fact that sufficient time was granted, this writ petition was dismissed for default against respondent Nos.4 and 5, who also worked as Community Health Officers. Further, as could be seen from the impugned order, the juniors to the petitioner who were alleged to have been promoted as Community Health Officers on 22.06.1998, were not made parties to O.A.No. 2600 of 2002 and on this ground also the Tribunal dismissed the O.A. Those alleged incumbents are not even made parties to the present writ petition.

For the reasons aforementioned, we feel that no further orders are necessary in this writ petition.

Hence, the writ petition is closed as no further orders are required to be passed. No order as to costs.

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

G. CHANDRAIAH, J

29.12.2015

**A. SHANKAR
NARAYANA,J**

bcj