

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.41580 of 2015

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Date: 28.12.2015

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Between:

Sri T.Harish, S/o late T.Sivanna, Aged about 26 years,
Occu: Typist, D.No.1-4-468, Ameer Nagar, Near Police
Quarters, Tirupathi, Chittoor District.

.....Petitioner

And

The Southern Power Distribution Company of A.P.Limited
(APSPDCL), APSPDCL, Corporate Office, Kesavayanagutta,
Behind Srinivasa Kalyan Mandapam, Tirupathi, Chittoor
District, rep.by its Chairman and Managing Director and
two others.

.....Respondents

The Court made the following:

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ORDER:

Petitioner is working as Typist in the cadre of Assistant. Petitioner is seeking promotion as Assistant to Junior Personnel Officer (JPO). As a consequent to the bifurcation of erstwhile State of Andhra Pradesh into the State of Andhra Pradesh and the State of Telangana, jurisdiction of the Distribution companies were also readjusted and in the said manner, two districts which were hitherto under the control of the Central Power Distribution Company Limited (CPDCL) are now merged with the Southern Power Distribution Company of A.P.Limited. As a consequence to such merger, the employees hitherto working in APCPDCL are now brought into the fold of Southern Power Distribution Company of A.P.Limited. The provisional allocation of the employees took place. As a consequence to the provisional allotment, the 3rd respondent now stood transferred to the APSPDCL and working in the cadre of Assistant. The seniority list of the ministerial employees is drawn on 24.11.2015. In the said seniority list, petitioner is shown at serial No.2 and the 3rd respondent is shown at serial no.3. Apprehending that petitioner is sought to be ignored and 3rd respondent is going to be promoted, this writ petition is filed.

2. On repeated queries from the Court, learned counsel for petitioner states that though petitioner is senior, on the ground that the petitioner does not have educational qualification, he is sought to be ignored and 3rd respondent is going to be promoted. Learned counsel further submits that 3rd respondent is also not eligible for promotion since she has not put up requisite service of five years in the lower post in the unit of APSPDCL and therefore, she is not eligible for promotion.

3. It is not known whether steps are being taken to affect the promotion to the cadre of Assistant to the Junior Personnel Officer and so far, admittedly, no such promotion is affected. It is also not known whether the promotion is going to be affected on ad-hoc basis or temporary or regular basis. Admittedly, petitioner is the senior to the 3rd respondent in the seniority list. However, seniority list cannot be the sole criteria for consideration of the promotion and other qualifications are also required to be fulfilled and in a given situation, senior can be ignored for promotion and junior can be promoted. All the issues can be gone into only when the promotion is made and the same is assailed. Thus, justification for granting promotion and ignoring the petitioner can be gone into only when the petitioner is ignored and junior to the petitioner is promoted.

4. It is premature for this Court to go into the eligibility of the 3rd respondent vis-à-vis petitioner. At this stage, this Court is not inclined to go into the alleged proposed action of the respondent in affecting the promotion to the post of Assistant to the Junior Personnel Officer. Petition is premature and no relief as sought can be granted at this stage. The writ petition is disposed of. However, if petitioner is ignored and junior to the petitioner is promoted, it is always open to the petitioner to assail such order of promotion if so advised.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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