

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

W.P. No.41311 of 2015

Between:

K.Rama Rao

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Petitioner

And

State of A.P.,
Rep.by its Principal Secretary,
Home Department, Secretariat,
Hyderabad and others.

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Respondents

JUDGMENT PRONOUNCED ON 21.12.2015

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**THE HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

**THE HON'BLE SRI JUSTICE G. CHANDRAIAH
AND**

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

W.P. No.41311 of 2015

ORDER: (Per the Hon'ble Sri GC, J)

This writ petition has been filed seeking for issuance of *Writ of Mandamus* declaring the action of the respondents 1 to 5 in not promoting the petitioner as Deputy Superintendent of Police in terms of the orders of the Tribunal dated 10.07.2014 in O.A. No.4043 of 2014 as arbitrary, illegal unconstitutional violating Articles 14, 16 and 21 of the Constitution of India and subversive of rule of law, and also declare the action of the Tribunal in not disposing C.A. No.1226 of 2014 filed by the petitioner as equally arbitrary and erroneous and issue consequential directions directing the respondents 1 to 5 to forthwith consider and promote the petitioner as Deputy Superintendent of Police in terms of the orders of the Tribunal dated 10.07.2014 in O.A. No.4043 of 2014 and also to direct the Tribunal to forthwith dispose of the C.A. No.1226 of 2014 filed by the petitioner.

The case of the petitioner is that he filed O.A. No.4043 of 2014 with the following prayers:

"In the circumstances of the case, the applicant herein prays that this Honorable Tribunal may be pleased to grant appropriate relief declaring the action of the respondents in not including the name of the applicant at appropriate place i.e. between Sri B.Anjaiah and T.Swamy in proposed provisional seniority list of Dy.Supdt. Of Police issued in proceedings memo Rc.No.395/G3/2014 dt.205.2014 issued by the 3rd respondent as arbitrary, illegal, unconstitutional violating Article 14, 16 and 21 of the Constitution of India and issue consequential directions directing the respondents to include the name of the applicant at appropriate place between Sri B.Anjaiah and T.Swamy i.e. between Sl.No.1925 and 1926 in the list of provisional national seniority list in the cadre of Dy.Supdt. of Police issued in proceedings Memo R.No.395/G3/2014 dt.205.2014 issued by the 3rd respondent and further direct the respondents to forthwith consider and promote the applicant as Dy.Supdt. of Police in the existing vacancy w.e.f. 30.6.2008 with all consequential benefits

including further promotions and pass such other order or orders as it deems fit and proper.”

“INTERIM PRAYER: In the circumstance it is therefore prayed that this Honorable Tribunal may be pleased to direct the respondents to forthwith include the name of the applicant in the final seniority list of Deputy Superintendent of Police issued in G.O.Ms.No.108 Home (SER.I) Department dated 23.06.2014 issued by the 1st respondent in placing the name of the applicant at appropriate place between Sri B.Anjaiah and T.Swamy i.e. at Rank No.2036 and Rank No.2037 respectively, and further direct the respondents to forthwith consider and promote the applicant as Deputy Superintendent of Police on par with juniors, pending disposal of the O.A.”

The learned Tribunal on 10.07.2014 passed the following interim order, which reads as under:

“Pending disposal of the OA., the respondents are directed to forthwith include the name of the applicant in the final seniority list of Deputy Superintendent of Police issued in G.O.Ms.No.108 Home (SER.I) Department dt.23.6.2014 by the 1st respondent in the appropriate place between Mr.B.Anjaiah and Mr.T.Swamy (atrank Nos.2036, 2037 respectively) and then consider the case of the applicant for promotion as Deputy Superintendent of Police on par with his juniors subject to his otherwise eligibility and seniority.

Admit. Issue notice to the respondents returnable in four weeks.

Meanwhile, the respondents are directed to file the counter.”

In the said O.A., on behalf of the respondents 2, 4 and 5 counter affidavit was filed.

Further, since the interim direction granted by the learned Tribunal on

10.07.2014 was not implemented, the petitioner filed C.A. No.1226 of 2014 seeking to punish the respondents for willful, intentional disobedience of the orders of the learned Tribunal.

In the instant case, the learned counsel for the petitioner submitted that though the interim order is having in favour of the petitioner the respondents did not chose to comply with the same. Therefore, the petitioner filed contempt application and the same is also not seeing the light of the day. Since the petitioner is left with no option approached this Court seeking direction to the learned Tribunal to dispose of the application.

Admittedly, the interim order passed by the learned Tribunal is in favour of the petitioner and since the same has not been complied with by the appropriate authority, therefore, the petitioner has chosen to file contempt application and his only grievance before this Court is that the contempt application is also not disposed of by the learned Tribunal.

In that view of the matter, having regard to the facts and circumstances of the case and since the seniority is involved in the matter, we deem it appropriate to dispose of the writ petition with a direction to the learned Tribunal to take up the matter as expeditiously as possible.

Accordingly, this writ petition is disposed of. Further, liberty is also given to the petitioner to take appropriate steps to dispose of the matter.

As a sequel, miscellaneous petitions, if any, stands closed. There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

JUSTICE U.DURGA PRASAD RAO

Date: 21.12.2015
LSK