

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTI

WRIT PETITION Nos.6765 and 6768 of 2015

COMMON ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

The petitioners herein have invoked the jurisdiction of this Court aggrieved by the inaction of the Tribunal in granting an interim order in the O.As. filed by them. The interim order sought for by the petitioners herein is to direct the respondents not to allot officers, in the cadre of Deputy Collectors in the erstwhile State of Andhra Pradesh, to the newly formed States without preparing/issuing a final *inter-se* seniority list of Deputy Collectors; and to allot officers, in the cadre of Deputy Collectors, to both the States only after preparing/issuing a final *inter se* seniority list of direct recruits and promotees in the cadre of Deputy Collectors.

By the order under challenge in this writ petition, the Tribunal held that the applications were filed based on mere apprehension; no material was placed before it to establish that any prejudice would be caused to the petitioners; and the balance of convenience did not lie in their favour. Their request for grant of an interim order was rejected.

The petitioners are direct recruit Deputy Collectors. They claim seniority over promotees on the ground that seniority should be reckoned from the date on which they were appointed to the substantive post of Deputy Collectors; and a large number of Tahsildars were promoted to the post of Deputy Collectors, far in excess of the cadre strength. Their grievance is that, without the *inter-se* seniority between direct recruit Deputy Collectors and promotee Deputy Collectors being finalized, the process of allocation of Deputy Collectors to the States of Telangana and Andhra Pradesh has commenced; options have been sought for; and the last date for submission of options has already expired.

When the matter came up earlier, learned Government Pleader for Services sought time to obtain

instructions. Today, the learned Government Pleader would submit that options were invited from officers in the different cadres for their allocation to both the States of Telangana and Andhra Pradesh; the last date for receipt of options expired on 02.03.2015; and the process of allocation has not yet been finalised. It is evident, therefore, that the petitioners' grievance is not based merely on an apprehension.

Prima facie, they would suffer prejudice if the allocation were to be made without the *inter-se* seniority, between direct recruit Deputy Collectors and promotee Deputy Collectors, being finalized. The order under challenge in this writ petition is set aside. The Tribunal shall consider the interlocutory applications in the O.As. afresh in accordance with law, and pass orders thereupon at the earliest, in any event not later than four weeks from the date of receipt of a copy of this order. Till orders are passed by the Tribunal afresh, the respondents shall not finally allot the petitioners herein to either of the two States. It is made clear that this order shall not preclude the respondents from finalizing the *inter-se* seniority of Deputy Collectors, and thereafter make final allocation in accordance with law.

The writ petitions are disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

19th March 2015.
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