

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.1265 of 2010

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the action of the respondents in not promoting the petitioner to the post of Junior Accounts Officer with effect from 16.2.2005 as arbitrary and illegal.

2. Heard Sri K.Vasudeva Reddy, learned counsel for the petitioner and Sri R.Vinod Reddy, learned Standing Counsel for Respondents, apart from perusing the material available on record.

3. According to the petitioner, he was initially appointed as Lower Division Clerk in the Respondent Company on 17.8.1974. Subsequently, he got promotion as Upper Division Clerk in the year 1993. The seniority list in the category of Upper Division Clerk was issued by the respondents on 24.3.2004, showing the petitioner at Serial No.24 and one Bhupati Rao at Serial No.19 and one A.Gangadhar at Serial No.52. The office of the Superintending Engineer, Operation, Northern Power Distribution Company of A.P., Ltd., Nizamabad issued an order vide Memo No.SE/OP/NZB/ADM/E1/ F.No.1851/04 dated 16.2.2005, promoting the said A.Gangadhar and Bhupathi Rao from the category of Upper Division Clerk to the category of Junior Accounts Officer. Thereafter, by virtue of order dated 25.4.2005, on the ground of lack of necessary qualifications prescribed for the post of Junior Accounts Officer the said A.Gangadhar was reverted to the post of Upper Division Clerk and on the same day, by way of Memo No.SE/OP/NZB/ADM/ E1/F.No.75/05 dated 25.4.2005, petitioner was given promotion as Junior Accounts Officer.

4. The sum and substance of the case of the petitioner is that since the respondent authorities reverted Sri A.Gangadhar who was promoted as Junior Accounts Officer by order dated 16.2.2005 and reverted to the post of Upper Division Clerk by order dated 25.4.2005, the petitioner is entitled

to have his case considered for promotion from the date of promotion given to Sri A.Gangadhar i.e. 16.2.2005.

5. Reiterating the averments made in the counter affidavit, it is contended by the learned Standing Counsel that Sri A.Gangadhar belongs to Scheduled Caste community and against the roster point No.22 i.e. point converted for Scheduled Caste, he was given promotion and the petitioner herein who belongs to O.C. community, cannot be considered against the said vacancy earmarked for S.C. candidate. The averment to the said effect in the counter affidavit is not in dispute. Therefore, the petitioner herein cannot claim promotion with retrospective effect from 16.2.2005 on which date Sri A.Gangadhar was given promotion against the post earmarked for S.C. candidate. Therefore, this Court does not find any merit in the case of the petitioner.

6. For the aforesaid reasons, the writ petition is dismissed. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 15.6.2016
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