

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.29756 of 2016

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed by the unsuccessful applicant in O.A.No.2711 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, which was dismissed by order dated 05.08.2016.

The prayer of the petitioner/applicant before the Tribunal was to set aside the proceedings dated 20.05.2016 of the Collector & District Magistrate, Prakasam District, Ongole, and direct the authorities to include his name in the panel of Deputy Tahsildars for the year 2012-13. The grievance of the petitioner/applicant appears to have been with regard to his position in the seniority list of Deputy Tahsildars. It appears that a draft panel of Deputy Tahsildars fit for promotion to the posts of Tahsildars during the panel year 2012-13 was prepared under the impugned proceedings dated 20.05.2016. The Tribunal was of the opinion that the petitioner/applicant has to exhaust his alternative remedy if he is aggrieved by the proceedings dated 20.05.2016 and without doing so, he cannot approach it for relief.

When the matter was taken up for hearing on admission, Sri K.R. Srinivas, learned counsel for the petitioner/applicant, stated that the representations dated 17.06.2016 and 06.07.2016 made by the petitioner/applicant with regard to his grievance in relation to his seniority were yet to be considered. Thereupon, the learned Government Pleader appearing for the State sought time to ascertain as to the status of the said representations.

Today, the learned Government Pleader informed this Court that the said representations are still pending consideration before the authorities concerned and that sufficient time may be provided to take appropriate action thereon and pass suitable orders.

In the light of the aforesaid facts, we are of the opinion that the interest of justice would be sufficiently served by directing the respondent authorities to consider the petitioner/applicant's representations dated 17.06.2016 and 06.07.2016 on merits and in accordance with law within one month from the date of receipt of a copy of this order and take appropriate action thereon. In the event the petitioner/applicant's request under the said representations is rejected, a reasoned order shall be passed and communicated to him. Pending this exercise, in the event the authorities are permitted to proceed on a draft panel and effect promotions, it would give rise to unnecessary complications apart from involving third party interests. We therefore direct that pending the exercise of consideration and disposal of the petitioner/applicant's representations in relation to the seniority list of Deputy Tahsildars, the respondent authorities shall not make promotions to the posts of Tahsildars.

The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

8th September, 2016
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