

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 2143 of 2006

ORDER:

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Heard learned counsel for the petitioner and Government Pleader for Industries and Commerce.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the amendments issued in G.O.Ms.No.348, Industries and Commerce (TEX) Department dated 31.12.2005 to Regulation 8 (iii) and incorporating Annexure-IV to the Andhra Pradesh Khadi and Village Industries Board Employees (Recruitment and Conditions of Service) Regulations, 1996 (for short "Regulations"), as illegal, arbitrary and contrary to Articles 14 and 16 of the Constitution of India.

The averments in the affidavit filed in support of the writ petition would show that the petitioner was appointed as L.D.C. on 11.01.1984 and was promoted to the post of auditor on 28.08.2002. It is stated that though the vacancies are available in the year 1993, promotions from the category of LDC and Typists were not given till 2002. It is stated that as per Regulation 4 (i) of the Regulations, the appointments to various posts specified in Annexure-I and Annexure-IA shall be made by direct recruitment, by promotion and by deputation. As per Annexure-II to the Regulations, the post of Superintendent can be filled by promotion from the category of UDC and UD Stenographers. Similarly the post of Accountant is to be filled by promotion from the category of auditors. It is stated that as per the above regulations, the common seniority list for the categories of LD Clerks and Typists

was prepared by the second respondent through circular dated 12.09.1996, wherein the petitioner name was shown at Sl.No.5 and the name of Smt. P.Alia Begum was shown at Sl.No.7. It is further averred that the first respondent through G.O.Ms.No.748, amended the regulations 4 (iii) and 8 (iii) and substituted the annexure to the original regulations. It is said that the amendments made by the first respondent are detrimental to the interests of the auditors. In view of the amendment to the Regulation, the third respondent even though she is junior to the petitioner in the category of LDC, is likely to be promoted as UDC. Hence, the present writ petition is filed challenging the G.O.

At the time when the matter is taken up for hearing, the learned Government Pleader for Industries and Commerce submits that vide proceedings No.Estt/G1/Promotions/2007-08/2008, dated 21.04.2008 the petitioner was promoted as Superintendent. He also placed on record the proceedings dated 20.06.2012 to show that the petitioner retired on 30.06.2012 on attaining the age of superannuation and was directed to hand over the charge of the post to K.Panduranga Reddy, ADO, Kadapa District. In view of the above, he submits that nothing survives for adjudication which fact is not seriously objected to by the learned counsel for the petitioner.

From the above, it is clear that the grievance of the petitioner that there is every likelihood of he being denied promotion to the post of Superintendent appears to be incorrect and as such nothing survives for adjudication since the petitioner was promoted as Superintendent in April, 2008 itself. It is made clear that if the petitioner is aggrieved by any subsequent acts, it

is always open to the petitioner to challenge the same.

Accordingly, the writ petition is disposed of. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

22.01.2016
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