

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

WRIT PETITION No.29132 of 2016

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

The applicants in M.A.No.1180 of 2016 in O.A.S.R.No.6105 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, are before this Court aggrieved by the order dated 26.07.2016 passed therein. By the said order, the Tribunal stated as under:

“Though prayer against guideline No.18(g) under the Andhra Pradesh Re-organisation Act, 2014, may be common in this case, but giving promotions to individual applicants is individual in nature and it cannot be a common issue. Hence, the Miscellaneous Application is dismissed.

The applicants' counsel is at liberty to restrict this O.A.S.R., to one of the applicants and is permitted to make necessary corrections in the OASR accordingly.”

It is contended before us that the prayer in the O.A. would indicate that the grievance of the petitioners/applicants with regard to Instruction No.18(g) of the Guidelines issued by the Union of India in F.No.27/13/2013-SRS, dated 29.10.2014, was common to all of them and therefore, the Tribunal ought to have granted permission to the petitioners/applicants to maintain a single O.A. as they had already paid individual Court fee.

We have perused the main prayer in the O.A. The said prayer is in four parts. The first part of the prayer is for a declaration that Instruction No.18(g) of the Guidelines contained in F.No.27/13/2013-SRS dated 29.10.2014, insofar as it related to giving liberty to allot vacant posts arising after the Appointed Day while making final allotment, was illegal. The second limb is an alternative prayer for a declaration that Instruction No.18(g) of the Guidelines insofar as vacant posts are concerned should be limited only to posts which were vacant on the Appointed Day and not the vacant posts which arose out

of promotions. The third limb of the prayer is for a declaration that the action of the authorities in proposing allotment of the party respondents who were tentatively allotted to the State of Andhra Pradesh, by notification dated 27.04.2016, to the State of Telangana while making final allocation in the cadre of Senior Assistants and recommending such proposals to the Union of India was arbitrary and illegal. The fourth limb of the prayer is for consequential directions which are again two-fold. The first consequential direction sought was to restrain the official respondents from allotting the party respondents who were tentatively allotted to the State of Andhra Pradesh, vide notification dated 27.04.2016, to the State of Telangana while making final allotment by the Union of India. The second consequential direction sought was to the authorities to consider and promote the petitioners/applicants to the posts of Senior Assistants whenever such posts become vacant due to promotion of Senior Assistants to the post of Office Superintendents.

Having considered the afore-stated multifarious prayers, we are of the opinion that only the last consequential direction can be said to be individual in nature, if at all. It is not disputed by the learned Government Pleader for Services that a single O.A. can be maintained by multiple candidates who seek promotion without conflict inter-se provided they pay individual Court fee.

In the present case, we find that the consequential direction to consider and promote the petitioners/applicants was not by way of a rival individual claim of each of them but was made in the context of their alleged superior right to seek such promotion over the party respondents who were sought to be retained in the State of Telangana.

We therefore find that the understanding of the Tribunal that the relief sought insofar as the issue of promotions is concerned was individual to each of the applicants and could not be a common issue is not correct.

The order under challenge is accordingly set aside. The Tribunal shall permit the petitioners/applicants to maintain a single O.A. subject however to each of the applicants establishing his eligibility for consideration for promotion individually.

The writ petition is disposed of with the above direction.

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

Date:29.08.2016

GJ