

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.13034,13036,13037,13038 of
2014

ORDER : *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

All these Writ Petitions are being disposed of by way of this common order since the issue raised in these writ appeals is one and the same.

2. For the sake of convenience, the facts in Writ Petition No.13034 of 2014 are discussed hereunder.

3. W.P.No.13034 of 2014 is filed by the petitioners under Article-226 of the Constitution of India seeking a 'Writ of Certiorari' by calling for records relating to the order passed by the Andhra Pradesh Administrative Tribunal (for short, 'the Tribunal'), Hyderabad in O.A.No.5439 of 2010, dated 29.04.2013 and to quash the same.

4. Heard learned Government Pleader for Services-III, appearing for the petitioners.

5. Learned Government Pleader for the petitioners contended that the respondents were working as 'Police Constables', and they were deputed to work in the Prohibition and Excise Department. The grievance of the respondents is that the petitioners are not considering the case of respondents for absorption as 'Constable' in Prohibition and Excise Department. When the grievance of the respondents were rejected by the petitioners, the respondents have approached Tribunal by filing O.A.No.5439 of 2010 seeking a direction to absorb the respondents as Constables in Prohibition and Excise Department. The Tribunal vide orders dated 29.01.2013 was pleased to allow O.A in favour of the respondents by directing the petitioners to continue the respondents in Prohibition and Excise Department as Constable and also consider their cases for absorption without appreciating any of the contentions raised by the petitioners.

6. Learned Government Pleader for the petitioners had further contended that there are no Rules for absorption of Constable in Prohibition and Excise Department, and without appreciating the fact that there are no Rules, the Tribunal has mechanically allowed the O.A in favour of

respondents. Therefore, appropriate orders be passed in the Writ Petition by setting aside the order of the Tribunal in O.A.No.5439 of 2010, dated 29.04.2013, and allow the Writ Petition.

7. This Court, having considered the submissions made by the learned counsel for the petitioners, is of the considered view that the Tribunal has allowed the O.A in favour of the respondents by recording a finding that nearly 2,151 candidates were absorbed in Prohibition and Excise Department. The Tribunal has also allowed the O.A on the ground of discrimination and accordingly, directed the petitioners to continue the respondents in Prohibition and Excise Department as Constable as it was done in the case of 2,151 candidates by passing appropriate orders before the completion of selection of Constables in Prohibition and Excise Department vide notification dated 08.10.2022. Therefore, the Tribunal was justified in allowing O.A in favour of the respondents on the ground of discrimination. Admittedly, the petitioners have absorbed merely 2,151 candidates as Constables in Prohibition and Excise Department and the Tribunal has merely directed the petitioners to consider the case of respondents as it

was done in the case of 2,151 candidates. Therefore, the Tribunal was justified in allowing the O.A in favour of respondents.

8. Accordingly, all these Writ Petitions are dismissed.
No costs.

9. As a sequel, miscellaneous applications pending if any in these Writ Petitions, shall stand closed.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK, J

Date : 02.01.2023
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