

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and

The Hon'ble Sri Justice G.Shyam Prasad

Writ Petition No.15909 of 2016

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Date: 02.06.2016

Between:

Smt.Ramavath Sona

.. Petitioner

and

The Director of Industries
State of A.P.,
Hyderabad and 3 others

.. Respondents

Counsel for the petitioner :

Mr.P.V.Ramana

**Counsel for respondent Nos.1 to 3: _____ GP for Industries & Commerce
(AP)**

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The Court made the following:

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Order : (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Feeling aggrieved by Order, dated 19-11-2015, in OA.No.6293 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal'), the applicant in the said OA filed this Writ Petition.

We have heard Mr.P.V.Ramana, learned Counsel for the petitioner, and the learned Government Pleader for Services (Andhra Pradesh) appearing for respondent Nos.1 to 3.

The petitioner is working as a Senior Assistant in the office of the General Manager, District Industries Centre, Visakhapatnam. She has filed O.A.No.3409 of 2014 with the grievance that though she was eligible for promotion to the post of Superintendent/Industrial Promotion Officer (Non-Technical), she was denied promotion. By interim order, dated 22-05-2014, the Tribunal has directed the respondents to consider the petitioner's case for promotion. By Order, dated 13-11-2014, the respondents have rejected the petitioner's request for promotion on the ground that even as per the amended *ad hoc* rule *vide* G.O.Ms.No.230 GA (Ser.A) Department, dated 31-

05-2014, the petitioner fell short of the required service of three years for promotion. Assailing the said order, the petitioner filed OA.No.6293 of 2015. By the impugned order, the Tribunal dismissed the said OA.

On the admitted facts of the case, the petitioner did not complete three years of service as Senior Assistant as on the date of rejection of her claim for promotion. The learned Counsel for the petitioner, however, stated that since the petitioner has completed three years of service as on the date of disposal of the OA, the Tribunal ought to have given a direction to the respondents to consider her request for promotion with effect from the date of completion of three years of service. Inasmuch as the petitioner failed to complete three years of service required for promotion, her request was rejected on 13-11-2014. Therefore, to that extent the Tribunal cannot be found fault with for dismissing OA.No.6293 of 2015. However, the petitioner has since completed three years of service, it is appropriate that respondent No.1 considers her case for promotion in terms of the *ad hoc* rule *vide* G.O.Ms.No.230, dated 31-05-2014.

Accordingly, while declining to interfere with the order of the Tribunal, the petitioner is, however, permitted to make a representation to respondent No.1 for promotion. If such a representation is made, respondent No.1 shall consider the same, take a decision thereon and communicate the same to the petitioner within two months of its receipt.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.19585 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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(G.Syam Prasad, J)

Dt: 2nd June, 2016
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