

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

WRIT PETITION No.30511 of 2016

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

The State is before us aggrieved by the order dated 22.12.2014 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.390 of 2012. By the said order, the State was directed to consider the case of the first respondent/applicant for promotion to the post of Head of the Section in Electrical Engineering as per the seniority list issued by the Commissioner of Technical Education, Andhra Pradesh, under Circular Memo dated 18.07.2011.

Heard the learned Government Pleader for Services (AP) and Sri P.V.Ramana, learned counsel on caveat for the first respondent/applicant.

The main contention sought to be raised by the learned Government Pleader is that the first respondent/applicant is not eligible in terms of the prescribed qualifications to be considered for promotion as directed by the Tribunal.

Sri P.V. Ramana, learned counsel, would however contend that the subsequent rules would have no application to his client in terms of the panel year for which his candidature is to be considered for promotion.

Significantly, none of these issues were raised before the Tribunal. It appears that pursuant to the interim order, the authorities issued a speaking order wherein reference was made to this aspect, but the scope of the O.A. was not widened taking into account this issue also.

Thus, as matters stand, we find that the Tribunal merely directed the State to consider the case of the first respondent/applicant for

promotion in terms of the seniority list and no more. It would always be open to the authorities concerned to consider the candidature of the first respondent/applicant in terms of the applicable rules and deal with his candidature accordingly. Any grievance that the first respondent/applicant may have in this regard would give rise to a fresh cause of action and would necessarily have to be addressed before the Tribunal in the first instance.

The writ petition is accordingly disposed of clarifying the aforestated position.

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

27th September, 2016
PGS/IBL