

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**FRIDAY, THE TWENTY SECOND DAY OF JULY, TWO
THOUSAND AND SIXTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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Writ Petition No.1436 of 2011

Between:

A. Parameshwar.

.. Petitioner.

AND

The Chief General Manager, HRD & Training Transmission
Corporation of A.P.Limited, Vidyut Soudha, Somajiguda,
Hyderabad and another.

.. Respondents

The Court made the following:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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Writ Petition No.1436 of 2011

ORDER

Petitioner filed this writ petition praying to grant the following relief;

“to issue a writ or order or direction more in the nature of writ of mandamus declaring the action of the respondents in not promoting the petitioner to the post of Superintending Engineer/Electrical, when he was in service in any existing vacancy as illegal, arbitrary and violative of Article 14 and 16 of the constitution of India, besides being violative Principles of natural justice; while issuing a consequential direction to the respondent to give notional promotion to the petitioner in the post of Superintending Engineer/ Electrical with effect from the date when a vacancy arose prior to his retirement on 30.06.1997 with all attendant and consequential benefits”.

2. Petitioner attained the age of superannuation on 30.06.1997 while working as Divisional Engineer (Electrical). On 26.06.1997, Sri Y.V.Subba Rao, was granted incharge arrangements as Superintending Engineer (Electrical) and later, with effect from 29.07.1997, Sri Subba Rao was promoted as Superintending Engineer (Electrical) on regular basis.

3. It appears, petitioner submitted representation on 07.11.2007 alleging that he was illegally ignored for granting benefit of elevation of status to his junior while he was in service.

4. By memo dated 26.11.2007, petitioner was informed that his junior was promoted as Superintending Engineer by order dated 29.07.1997, by which time, petitioner retired from service and therefore, the question of granting promotion to the petitioner could not arise.

5. Though petitioner seeks to raise contention that he was illegally ignored for promotion as Superintending Engineer (Electrical) when his junior was promoted on 29.07.1997, that issue need not be gone into, in view of the prayer sought in the writ petition and the reply furnished to the petitioner on 26.11.2007. Admittedly, before retirement of the petitioner, even assuming Sri Y.V.Subba Rao was his junior, he was not promoted, but only incharge arrangements were granted. It is settled principle of law that incharge arrangements need not be granted merely based on seniority and merely because a junior was granted incharge arrangements, cannot be a ground to grant regular promotion from the date of grant of such incharge arrangements. It is clear from the Memo dated 26.11.2007, that no junior to the petitioner was promoted as Superintending Engineer (Electrical) prior to his retirement and therefore, the relief sought in the writ petition is not maintainable.

6. The Writ Petition is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO, J

22nd July, 2016
sj