

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No.26563 of 2007**

**ORDER:**

Petitioner was working as Assistant Engineer in the Andhra Pradesh State Housing Corporation Limited. It is his case that though he was eligible to be promoted as Deputy Executive Engineer, his case was not considered and that many of his colleagues, including his juniors, have already been promoted. Therefore, he filed this Writ Petition seeking a Mandamus to the respondents to consider his case for promotion to the post of Deputy Executive Engineer as per the seniority list prepared on 21.11.2007.

This Court *vide* its order, dated 13.12.2007 in WPMP.No.34650 of 2007 issued interim direction to the respondents to consider the case of the petitioner for promotion to the post of Deputy Executive Engineer. The 2<sup>nd</sup> respondent filed WVMP.No.193 of 2009 seeking to vacate the said interim order.

Learned counsel for the second respondent, on instructions, submits that the petitioner's name is included in the seniority list dated 04.02.2014 and that though the Departmental Promotion Committee (DPC) was constituted on 29.04.2013, 30.07.2013 and 11.02.2014, the proceedings before DPC could not be

proceeded with on account of lack of quorum. He further submits that on account of the changed circumstances, G.O.Rt.No.2147, dated 16.05.2014 was issued, wherein all the appointments, transfers, revision of seniority and change in terms and conditions of employment have been kept on hold. He also submits that it is only on account of the ban as of date, the second respondent is unable to proceed with the consideration of the case of the petitioner.

It is not in dispute that though there was DPC conducted on 27.12.2010, by which date, the petitioner was eligible to be considered for promotion, his name was not included. It is also not in dispute that in DPC conducted on 29.04.2013, 30.07.2013 and 11.02.2014, the petitioner's case could have been considered for promotion, if the quorum was present. In other words, eligibility of the petitioner for promotion even as on 11.02.2014 is not in dispute.

In view of bifurcation of the two States by virtue of the Andhra Pradesh Reorganization Act, 2014, the Government of Andhra Pradesh issued G.O.Rt.No.2147, dated 16.05.2014, imposing ban on all appointments, transfers, revision of seniority and change in terms and conditions of employment. Thereafter, G.O.Rt.No.2593, dated 14.07.2014 was issued relaxing the ban

order issued in G.O.Rt.No.2147, only for cases where Court orders have become final and the contempt cases are pending for non-implementation of Court orders. Therefore, this Court is of the view that G.O.Rt.No.2147 would not come in the way of the petitioner's case being considered for promotion as the ban would be in relation to the consideration of the cases in future but not with respect to the persons, who are already found eligible.

Hence, the writ petition is disposed of directing the respondents to constitute DPC and take necessary decision with respect to the promotion of the petitioner, within a period of three months from the date of receipt of a copy of the order.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. There shall be no order as to costs.

**CHALLA KODANDA RAM, J**

25<sup>th</sup> NOVEMBER, 2016.

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