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ORDER:- (per Hon'ble Sri Justice G. Chandraiah)

The petitioners assert that the 4th respondent herein filed O.A.No.6323 of 2004 seeking a direction to the respondents therein to consider his claim for promotion to the post of Panel Grade Head Master (for short "P.G.H.M.") as per his seniority with all consequential benefits by taking into account Explanation 3 to Rule 11 of G.O.Ms.No.505, dated 16.11.1998, and the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity "the Tribunal"), while disposing of the O.A., made the following order:

"After perusing the records, it is seen that Sl.Nos.21 and 23 were party respondents in O.A.No. 3122 of 2004 and their claims were upheld through orders dated 04.11.2004. Thus, they became Panel Grade Head Masters. In view of this, evidently, the applicant who is standing at Sl.No.19 is to be considered for promotion as Panel Grade Head Master with effect from the date on which his juniors were promoted. In view of this, the respondents are directed to consider the claim of the applicant for promotion in case he is found to be qualified, suitable and eligible in terms of Explanation 3 to Rule 11 of G.O.Ms.No. 505 dated 16.11.1998 and issue necessary orders, within a period of two months from the date of receipt of a copy of this order".

The case of the writ petitioners, who are not parties to

O.A.No.6323 of 2004, is that the 4th respondent is not qualified to hold the post of P.G.H.M. as per the qualification prescribed under G.O.Ms.No.505, dated 16.11.1998 and he is not entitled to the benefit of the order issued by the Government in G.O.Ms.No.225, 18.05.1999 whereby employees, who have crossed 45 years and seek first stage promotion and not otherwise, are only exempted from passing departmental tests for the purpose of promotion to the next higher category, if they could not get even one promotion after their initial appointments. Now, the petitioners' grievance is that even though the 4th respondent, who has crossed 45 years, has already got three stage promotions i.e. S.G.T., School Assistant and Special Grade Promotion Scale in B.Ed. cadre and is not eligible to the post of P.G.H.M. by virtue of G.O.Ms.No.505, by suppressing these facts, he filed O.A.No. 6323 of 2004 seeking promotion to the post of P.G.H.M., and the Tribunal, by order dated 22.11.2004, erroneously disposed of the O.A. as extracted above, thereby the writ petitioners are deprived of their promotion to the post of P.G.H.M. Hence, the present writ petition is filed seeking to quash the order of the Tribunal.

This Court, by order dated 01.04.2005, while admitting the writ petition, granted interim suspension in W.P.M.P.No. 9775 of 2005.

Today, when this matter, which is listed under the caption "Specially Identified Cases" is taken up for

hearing, the learned counsel for the respondents has produced a copy of the proceedings dated 27.01.2016 issued by the

1st respondent and submitted that vide Proceedings dated 06.05.2004 of the 1st respondent, the writ petitioners were given promotion as Head Masters and posted at TW Ashram High School, Palakunta and TW Ashram High School, Rajanagaram respectively in pursuance of the orders passed in O.A.No. 3990 of 2003 and has further submitted that while the

4th respondent retired from service in December, 2006 the 1st petitioner retired in 2009 and only the 2nd petitioner is in service.

In view of the above and having regard to the factual position as narrated in the writ affidavit in respect of the service of the petitioners and that their services are not likely to be disturbed in the light of the fact that the interim suspension granted by this Court is still in force, we are inclined to dispose of the writ petition in terms of the interim order dated 01.04.2005 passed in W.P.M.P.No. 9775 of 2005 as no rival interests are in existence.

Accordingly, this writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

01.02.2016

G. CHANDRAIAH, J

bcj
RAO,J

U.DURGA PRASAD