

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 1945 OF 2006

ORDER:

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Heard. No representation on behalf of the second respondent.

The present Writ Petition came to be filed seeking to declare the action of the first respondent in not rectifying the seniority in the cadre of Assistant Linemen dated 10.09.1998 and issuing the impugned memo DEE/C&O/WGL/ADM/JAO/U1/D.No.2367/06, dated 23.01.2006, refusing to rectify the seniority list, as illegal and arbitrary.

The averments made in the affidavit filed in support of the Writ Petition are as under:

The petitioner was appointed as Junior Lineman in Andhra Pradesh State Electricity Board on 28.03.1992 and his date of birth is 03.04.1962. The second respondent was also appointed as a Junior Lineman on 01.04.1992 and his date of birth is 16.06.1964. The next higher promotion from the cadre of Junior Linemen is the Assistant Linemen. As per the seniority list, the petitioner was promoted as Assistant Lineman on 04.09.1995, whereas, the second respondent was promoted on 19.09.1995. It is stated that the first respondent i.e. the Divisional Engineer Electrical prepared seniority list in the cadre of Assistant Linemen on 10.09.1998, wherein the second respondent was shown at serial No.42 and the petitioner was shown at serial No.45. In the year 2000, the second respondent was promoted as lineman overlooking the petitioner. On coming to know about the same, the petitioner is said to have made a representation on 07.07.2000 to the first respondent seeking promotion on par with the second respondent, who is junior to him. He made another representation dated 15.06.2001, to the same effect. Thereafter, the petitioner was promoted as Lineman in the year 2002. Even after his promotion as Lineman in the year 2002, he again made a representation on 02.08.2005 seeking rectification of seniority list, which was prepared in the year 1998, since he was put to lot of prejudice. While things stood thus, on 23.01.2006, the office

of the Divisional Engineer Electrical, C&O, Warangal, passed impugned order which reads as under:

“It is to inform that in the reference (2) cited above, the Divisional Engineer Electrical/ Operation/Warangal has informed that Sri .D.Sammaiah and Sri B.Raju previously worked in Operation Division, Warangal as Sr.Lineman and as per the DPC notes and the DPC Committee approvals for the promotion from Jr.Lineman to Assistant Lineman cadre, Sri B.Raju is senior than Sri D.Sammaiah.

Hence, your request for rectification in seniority is not considered.”

Challenging the above order, the present Writ Petition is filed.

As seen from the record, the main ground on which the request of the petitioner was rejected appears to be that as per DPC Committee, for promotion from Junior Linemen to Assistant Linemen cadre, the second respondent was senior to the petitioner. However, in counter filed by the first respondent, a different stand was taken stating that when the second respondent was shown at serial No.43, there was no representation from the petitioner, which according to the petitioner is incorrect. On an earlier occasion, learned Standing Counsel appearing for the first respondent took time to produce the records justifying the action of the first respondent, but, however, failed to do so, inspite of giving number of opportunities.

Though learned counsel for the petitioner raised various grounds in the Writ Petition, he submits that a direction be given to the first respondent to consider his representation dated 02.08.2005, after hearing both the parties, in accordance with law.

Having regard to the request made, the present Writ Petition is disposed of directing the first respondent to consider the representation dated 02.08.2005 made by the petitioner, questioning the seniority list in the year 1998, as early as possible, preferably within a period of six (06) weeks from the date of receipt of a copy of this order, in accordance with law. It is needless to mention that the first respondent shall give an opportunity of hearing to the petitioner as well as the second respondent before passing the orders. There shall be no order as to costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ
Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

21.01.2016
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