

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

WRIT PETITION No.24302 of 2016

ORDER:

The petitioners are directly recruited Sub-Engineers and they are working under the second respondent. They are waiting for their promotion to the post of the Additional Assistant Engineer, which is next higher post of Sub-Engineer in the engineering service. The method of recruitment for the post of Sub-Engineer is by direct recruitment and by appointment by transfer from the in-service employees working in any service. This Court in W.P.No.14773 of 2009 directed consideration of the persons who are eligible to be promoted to the next higher post. An integrated seniority list was communicated on 25.04.2015 and it is the case of the petitioners that nearly 100 junior most Sub-Engineers were shown above the petitioners. The same was challenged in W.P.No.13234 of 2015 and this Court passed an order suspending the said seniority list. Thereafter, the seniority list was withdrawn by Memo dated 27.07.2015. After withdrawal of the said seniority list, adhoc appointments to the post of Additional Assistant Engineer were made by Memo dated 05.08.2015. The same was challenged in W.P.No.42065 of 2015 and the same is pending. Another Writ Petition, being W.P.No.41337 of 2015, was filed by the directly recruited Sub-Engineers for determination of their seniority. Now, the seniority list is not finalized and in spite of the same, when incharge arrangements are made on 30.06.2016 posting certain Diploma Sub-Engineers as Incharge Additional Assistant Engineers, the present Writ Petition is filed.

Learned Counsel for the petitioners submits that without finalizing the seniority list in the cadre of Sub-Engineers, no promotion to the higher cadre of Additional Assistant Engineers shall be made.

As stated above, several Writ Petitions are pending consideration for preparation of seniority list and the seniority list has to be prepared in accordance with law. Pending finalization of the seniority list it cannot be held that the administration should not make any interim arrangements by giving adhoc promotions or making incharge arrangements. The exigencies

of service require certain administrative measures and with those measures this Court cannot interfere.

In the circumstances, since the present arrangement is only the incharge arrangement, this Court is not inclined to interfere with the impugned order dated 30.06.2016. The Writ Petition is, accordingly, dismissed. However, this will not prevent the petitioners from agitating their right with regard to the seniority nor the respondents preparing the final seniority list in accordance with law. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

22.07.2016

vs