

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

**AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

WRIT PETITION No.12416 of 2016

**-
13.04.2016**

Between:

Kasturi Bai Tella and others

...Petitioners

And

The State of Andhra Pradesh,
represented by its Principal Secretary,
General Administration (I & PR) Department,
Hyderabad and others

...Respondents

Counsel for the petitioners: Ms.Sujatha for Mr.P.Vishnuvardhana
Reddy

Counsel for respondent Nos.1 and 3: Government Pleader
for Services (AP)

Counsel for respondent Nos.2 and 4: Government Pleader
for Services (TS)

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioners, who are working as Assistant Directors, Information and Public Relations Department, filed O.A.No.2300 of 2015 for a direction to the respondents to give effect to G.O.Ms.No.118, General Administration (I & PR.I) Department, dated 23.04.2014, whereby respondent No.1 approved the panel of Deputy Directors, Andhra Pradesh Information Service, for the panel year 2013-14, while finding the petitioners and two others included therein as fit for the posts of Deputy Directors, Andhra Pradesh Information Service, for the abovementioned panel year. The respondents filed a counter-affidavit before the Tribunal, wherein while not disputing the fact of issuance of the aforementioned G.O., they have, however, stated that they were unable to effect promotions in view of the ban on promotions imposed by the Government due to the pendency of bifurcation process. The Tribunal observed that after the panel was approved *vide* G.O.Ms.No.118, dated 23.04.2014, the Government imposed ban on all promotions and thereafter, it relaxed the ban on promotions in respect of local and zonal cadre posts, but not for the statewide posts and that as the posts of Deputy Directors, Information and Public Relations Department, being statewide posts, unless the final allocation of the employees between the two States is done, based on the seniority, promotions cannot be effected. On this premise, the Tribunal has disposed of the O.A. on 16.11.2015, however, with the direction to both the State Governments to consider the case of the petitioners for promotion to the posts of Deputy Directors and pass appropriate orders immediately after the final allocation of the employees between the two States is completed.

2. At the hearing, Ms.Sujatha, learned counsel representing

Mr.P.Vishnuvardhana Reddy, learned counsel for the petitioners, submitted that after the aforesaid O.A. was disposed of, respondent No.2 issued G.O.Ms.No.51, General Administration (I & PR) Department, dated 10.02.2016, whereby petitioner No.2 has been promoted temporarily as Deputy Director from the date of his assuming charge instead of from the date when the panel was approved. She has further submitted that petitioner Nos.1 and 3, who were provisionally allotted to the State of Andhra Pradesh, are not given even temporary promotions.

3. The learned Government Pleader for Services (AP) and (TS) appearing for the respondents submitted that in view of the subsistence of ban on promotions in respect of the statewide posts, respondent No.1 cannot promote petitioner Nos.1 and 3.

4. As regards the grievance of petitioner No.2, if he is dissatisfied with the denial of his promotion with retrospective effect, he can approach the Tribunal for an appropriate relief. With regard to the grievance of petitioner Nos.1 and 3, it is not in dispute that the final allocation has not yet been made. The posts of Deputy Directors being statewide posts, we cannot compel respondent No.1 to give promotions to these petitioners and therefore, we do not find any error in the view taken by the Tribunal declining to issue directions to respondent Nos.1 and 2 to effect promotions pending the final allocation of the employees between the two States.

5. On the analysis as above, the Writ Petition is dismissed.

6. As a sequel to dismissal of the writ petition, W.P.M.P.No.15558 of 2016 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

13th April, 2016
GHN

M.S.K.JAISWAL, J