HON'BLE SRI JUSTICE G. CHANDRAIAH

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HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

W.P.No. 564 of 2016

DATE: 12.02.2016

Between:

K. Bheekya .. Petitioner

And

The State of Telangana
and three others .. Respondents

O R D E R:- (per Hon'ble Sri Justice G. Chandraiah)

The petitioner asserts that he was initially appointed as Junior Assistant, and subsequently in 2008, promoted as Assistant Commercial Tax Officer and presently he is working as such in the office of the Deputy Commissioner of Commercial Taxes, Hyderabad Rural Division, Hyderabad. While so, it is stated that the 3rd respondent, vide proceedings dated 23.06.2015, issued show cause notice calling upon the petitioner to file objections, if any, to the integrated seniority list of A.C.T.Os. of Zone-VI i.e. Secunderabad and Hyderabad Rural Divisions for the panel year 2009-2010 wherein the petitioner's name is shown at Sl.No.6. Then, the petitioner, while submitting objections by raising various aspects, claimed that his name should be at Sl.No.1 in the seniority list and also made a representation dated 10.12.2015 requesting to provide him an opportunity of personal hearing to put forth his grievance as he has some apprehension/reservations in implementation of Rule of Reservation in the preparation of seniority list, however the 3rd respondent, without affording him opportunity of personal hearing, issued proceedings dated 11.12.2015 deleting the petitioner's name from Sl.No.6 and placing it at Sl.No.89 in the integrated seniority list. Being aggrieved by the order dated 11.12.2015, the petitioner filed O.A.No.7091 of 2015, and now, his grievance is that the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity "the Tribunal"), vide order dated 18.12.2015, while issuing notice to the respondents returnable in three weeks, granted interim relief that any promotions made will be subject to the result in the O.A. Challenging the order of the Tribunal, the present writ petition is filed seeking to set aside the impugned order and direct the respondents to give him personal hearing before acting on the final seniority list as prepared in the proceedings dated 11.12.2015.

Heard the learned counsel for both the parties and perused the material placed on record.

The Tribunal, in O.A.No. 7091 of 2015 made the following order:

> "The applicant submits that aggrieved by the final seniority list issued by the 3rd respondent/Additional Commissioner of Commercial Taxes, in CCTs. Ref.No.C(DX)/434/2015, dated 11.12.2015, he filed the present O.A.
>
> It is represented that a Caveat is filed by Sri M.Surender Rao in the Registry. The caveat is not posted today.
>
> Heard the learned counsel for the applicant and the learned Government Pleader.
>
> As the impugned seniority list is the final seniority list, the following Interim Relief is granted.
>
> Issue notice before admission to the respondents returnable in 3 weeks. Learned G.P. is directed to file counter.

Interim Relief:

Any promotions made will be subject to the result of the O.A.

Post this O.A. along with O.A.No. 4581/ 2015."

From the above order under challenge, there are two aspects to be taken note of; 1) As on the date when the O.A. was listed for admission, caveat petition was pending and

2) O.A. has not been admitted, however notice before admission is ordered to the respondents returnable in three weeks and the learned Government Pleader is directed to file counter.

Having regard to the *lis* for consideration before the Tribunal in respect of the seniority of the petitioner and others, even though relief is granted purporting that any promotions made shall be subject to the outcome in the O.A., the order under challenge is only an interim order, and inasmuch as notice before admission is ordered by reason of the fact that caveat petition has been pending, unless and until the contesting respondents are served with notices and counter affidavit is filed, the *lis* cannot be adjudicated on merits. Hence, we do not see any reason to interfere with the impugned order at this stage.

Accordingly, the writ petition is dismissed, however liberty is given to the petitioner to take appropriate steps in the O.A. No order as to costs.

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

G. CHANDRAIAH, J

12.02.2016

U.DURGA PRASAD RAO,J

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