

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

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

W.P.No. 22991 OF 2016

DATED 14TH JULY, 2016

Between:

The State of Telangana,
Rep. by its Principal Secretary,
Higher Education Department,
Secretariat, Hyderabad, and another

... Petitioners

AND

A.Ashok and another

... Respondents

Counsel for the petitioners

:

G.P. for Services (T.S.)

Counsel for 1st respondent

:

Sri P.V.Ramana

Counsel for the 2nd respondent

:

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THE COURT MADE THE FOLLOWING

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Writ Petition is filed feeling aggrieved by order dated 21-10-2014 in O.A.No. 7193 of 2012 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal').

2. The facts, which are not in dispute, are that respondent No. 1 who entered service as a teacher was later appointed as Junior Lecturer. As his seniority was not properly fixed, respondent No. 1 filed O.A.No. 8630 of 2002 before the Tribunal, wherein he questioned the action of the petitioners in not granting notional seniority to him on par with his junior B.Arjun Rao. The said O.A. was disposed of by the Tribunal by order dated 19-09-2002. The said order of the Tribunal was implemented, by the petitioners *vide*

proceedings dated 15-12-2003, according notional seniority to respondent No. 1 from 06-03-1991 on par with B.Arjun Rao. In the integrated final seniority list fixed by the Regional Joint Director of Intermediate Education, Warangal, in the category of Junior Lecturers on 18-12-2003, respondent No. 1 was shown over and above B.Arjun Rao and V.Radhakrishna. Before the order fixing the seniority of respondent No. 1 was passed, B.Arjun Rao was promoted as Lecturer on 13-08-2002. Respondent No. 1 started making representations from 2003 onwards to grant him notional promotion in the category of Lecturer also on par with B.Arjun Rao from 13-08-2002 with all consequential benefits. Finally, the petitioners have rejected the said representation of respondent No. 1 on the ground of delay by taking into consideration only his last representation dated 15-10-2012.

3. In pursuance of the notice issued by the Tribunal, the petitioners have filed a counter affidavit, wherein they sought to justify the rejection of the claim of respondent No. 1 for notional seniority on par with B.Arjun Rao only on the ground of delay. On a thorough discussion of the rival pleadings of the parties, the Tribunal has allowed the O.A.

4. At the hearing, learned Government Pleader for Services (T.S.), appearing for the petitioners, submitted that one Raji Reddy has filed O.A.No. 3727 of 2004 questioning the notional seniority being given to the applicant and that the said O.A. was allowed and respondent No. 1 filed W.P.No. 9261 of 2005, wherein an *interim* suspension of the Tribunal's order was granted. He has further contended that as the seniority of respondent No. 1 itself is in dispute in the said Writ Petition, he is not entitled to be given notional seniority on par with B.Arjun Rao. We are afraid we cannot accept the submission of learned Government Pleader. The *inter se* seniority, at the level of Junior Lecturer, between respondent No. 1 and B.Arjun Rao was settled in O.A.No. 8630 of 2002 and the same was, accordingly, implemented. What respondent No. 1 sought in O.A.No. 7193 of 2012 is to extend the same benefit of seniority over B.Arjun Rao in the category of Lecturer also. The petitioners have not rejected this request of respondent No. 1 on the ground that the same analogy will not apply to the category of Lecturer but it was rejected only on the ground of purported delay. As rightly pointed by the Tribunal, the petitioners have ignored the representations of respondent No. 1 made from the year 2003 and they have only taken the last of the representations made in 2012 in concluding that there was delay in making representation. It is never the pleaded case of the petitioners that because of pendency of W.P.No. 9261 of 2005 filed by respondent No. 1,

respondent No. 1 is not entitled to the notional seniority in the category of Lecturer. In these facts of the case, the Tribunal has rightly granted relief to respondent No. 1 and, therefore, we do not find any reason to interfere with the order impugned in this Writ Petition.

5. For the above mentioned reasons, the Writ Petition is dismissed.

6. As a sequel to dismissal of the Writ Petition, W.P.M.P.No. 28286 of 2016 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

G.SHYAM PRASAD,

J.

Date: 14-07-2016.

JSK