

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.17583 OF 2000

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings dated 7.9.2000 and 19.9.2000 issued by the 1st respondent as illegal and arbitrary, and consequently, to set aside the same and direct the 1st respondent to promote the petitioner herein as Superintendent with effect from the date on which the 2nd respondent was promoted as Superintendent, with all consequential and attendant benefits.

2. Heard Sri J. Sudheer, learned Counsel for the petitioner and Sri A. Abhishek Reddy, learned Standing Counsel for the 1st respondent-University.

3. The learned Counsel for the petitioner submits that the petitioner was initially appointed as L. D. Stenographer on 13.12.1984 and subsequently, after rendering considerable length of service, she was promoted as U.D. Stenographer on 6.12.1989, and that the revised pay scales of 1993 and 1999 are extended to her, and the benefit of automatic advancement scheme was also extended to her on completion of eight years of service while she was working as U.D. Stenographer. Further, he submits that the State Government issued G.O.Ms.No.90, dated 24.2.1992, wherein the State had directed that all the typists and stenographers, who are in the pay scale equal to that of Assistants, Assistant Section Officers/Senior Assistants and Section Officers/Superintendents in the departments of Secretariat/Offices of Heads of Departments and who passed departmental tests prescribed for the executive posts outside the regular line, for which they are eligible, shall be eligible for appointment by transfer to such posts outside their regular channel of promotion without

insisting on their being converted into clerical cadre, and that the University adopted the said G.O. and as such, the petitioner is eligible for appointment by transfer to the post of Superintendent and accordingly, she made a claim for being appointed by transfer to the post of Superintendent by way of representation dated 23.2.2000 and that the 1st respondent-University while acting on the said representation issued a show cause notice on 3.7.2000 to all senior assistants, who are likely to be affected, and to the senior most assistant T. Eshwar Prasad, who was impleaded as 2nd respondent herein, and thereafter, the University did not issue any final orders in pursuance of the show cause notice dated 3.7.2000, and that the 2nd respondent was promoted as Superintendent on 7.9.2000 and that the 2nd respondent was initially appointed as a Senior Assistant on 21.12.1990, which is subsequent to the promotion of the petitioner as U.D. Stenographer, and aggrieved by the said proceedings, the present writ petition is filed seeking to promote the petitioner on par with the 2nd respondent.

4. Learned Standing Counsel for the 1st respondent contends that the writ petition is not maintainable and initially, K. Chandrasekhar and C.J. Rama Raju, who worked as U.D. Stenographers took conversion to the post of Senior Assistants, and in the said resultant vacancy, the petitioner was promoted as U.D. Stenographer, and that C.J. Rama Raju, while working as U.D. Stenographer, was promoted to that of Special Grade Stenographer and challenging the said promotion of C.J. Rama Raju, K. Chandrasekhar filed writ petition before this Court contending that he is eligible for promotion as Special Grade Stenographer, and in pursuance of the orders passed by this Court, C.J. Rama Raju was reverted and K. Chandrasekhar was promoted as Special Grade Stenographer, and that the

petitioner, who was temporarily promoted as U.D. stenographer against the vacant post that was caused due to conversion of K. Chandrasekhar, ought to have been reverted to the post of L.D. Stenographer and that the University took a lenient view and allowed her to officiate as U.D. Stenographer, and be that as it may, in either way, the resultant vacancy that would be available for the petitioner to be promoted is U.D. Stenographer only.

5. The learned Counsel for the petitioner contends that the petitioner is on the verge of retirement and in order to give a quietus to the long pending litigation, the petitioner is willing to forego past monetary benefits of her promotional post, if she is promoted notionally and therefore, notional promotion may be given by fixing the date of promotion of the petitioner on par with the 2nd respondent.

6. Considering the rival submissions made by both the Counsel and perusing the record, this Court is of the view that the ends of justice would be met, if the 1st respondent is directed to promote the petitioner to the post of Superintendant notionally on par with the 2nd respondent i.e., as on 7.9.2000.

7. Accordingly, the 1st respondent is directed to promote the petitioner to the post of Superintendent notionally on par with the 2nd respondent i.e., as on 7.9.2000. It is made clear that such notional fixation shall be done as was done in the case of the 2nd respondent in each and every cadre. However, the petitioner is not entitled to claim the monetary benefits that accrued on account of her notional promotion till the date of this order. It is needless to observe that the petitioner is entitled to all the

consequential and attendant benefits of her notional promotion from the date of this order.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

29th November, 2017
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