

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

WRIT PETITION No.14753 OF 2017

Between:

H. Parvathamma W/ o. U.C.V. Krishnaiah,
Aged about 62 years, Nursing Superintendent Grade-II (Retd.)
Government Maternity Hospital, Tirupati, Chittoor District,
R/ o.H.No.6-7-578, Sipuram Colony, Tirupati.

...Petitioner

Vs.

The Director of Medical Education,
A.P., at Old Government Hospital Premises,
Vijayawada, Krishna District. and others.

.. Respondents

For Petitioner : Sri S. Ajay Kumar

For Respondents : Government Pleader for Services –I
(AP)



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No. 14753 OF 2017

ORDER: (per V. Ramasubramanian, J)

The petitioner has come up with the above writ petition challenging the dismissal of her application by the Andhra Pradesh Administrative Tribunal, for promotion to the post of Nursing Superintendent Grade-I.

2. Heard Mr. S. Ajay Kumar, learned counsel for the petitioner and the learned Government Pleader for the respondents.

3. The petitioner retired from service as Nursing Superintendent Grade-II on 31.05.2013. On the ground that she has already been empanelled for promotion, but was not promoted, the petitioner filed an Original Application before the Tribunal. Finding that none of her juniors were promoted up to the date of her retirement, the Tribunal dismissed the Original Application.

4. The contention of the learned counsel for the petitioner is that the petitioner was not at fault, for the respondents not issuing promotion orders despite her inclusion in the panel. Learned counsel drew out attention to a judgment of a Division Bench of this Court in W.P. No. 18861 of 2008 dated 01.09.2008.

5. We have carefully considered the above submissions.

6. There is no dispute about the fact that up to the date of retirement of the petitioner, namely, 31.05.2013, none of the juniors of the petitioner was promoted. It is only two months after the retirement of the petitioner that some of her juniors were promoted. There is no law which guarantees promotion as against vacancies, that existed

before the retirement. The judgment of the Division Bench does not lay down a law that all vacancies should be filled up at the appropriate time so that the persons who are about to retire will reap the benefit.

7. Therefore, the Writ Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

November 02, 2017

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