

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION (TR) NO.172 OF 2017

Date: 15.06.2017

Between:

Kothuri Ramesh, S/o Rajanna, Aged 41 years,
Occu: Police Constable (AR) 2460, A.R.Bellampally,
Adilabad District, now on deputation at APPA,
Hyderabad and another.

.....Petitioners

and

The Superintendent of Police, Adilabad District
at Adilabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioners were appointed as Police Constables in Armed Reserve. In the year 2001, special test was conducted for about 400 Police Constables for the purpose of consideration for promotion as Head Constables in Adilabad district. It appears, 66 persons were qualified. In the 'C' list, petitioners were shown against Nos.50 and 64, respectively. They were also sent for pre-promotional training for one month, which was successfully completed by the petitioners. The 66 persons are included in 'C' list eligible for promotion. From out of this list, 49 persons were promoted on 28.07.2001 and 11 more were promoted on 04.09.2003. Though the turn of the 1st petitioner came on 04.09.2003, he was not promoted on the ground that he was undergoing punishment of censure. Both of them were waiting to be appointed in the subsequent vacancies.

2. At this stage, O.A.No.6109 of 2003 was filed by 11 police constables, who claimed that they are seniors in service to the persons, who were promoted. They have impleaded some of their juniors as respondents. On elaborate consideration of the matter, Tribunal granted limited relief holding that promotions made in the year 2001 is illegal and passed orders to send the applicants for pre-promotional training and to include them in the promotion list. This decision of the Tribunal was challenged by the aggrieved persons in W.P.No.17579 of 2009. Petitioners therein who challenged the said decision of the Tribunal were promoted in the

year 2003 and were not parties before the Tribunal, but were affected by the decision of the Tribunal as their promotions were set.

3. The entire issue was considered by the Division Bench of this Court. Having regard to the provision in Police Standing Order 111 of A.P.Police Manual, this Court observed that service seniority principle should be followed for short listing the police constables for promotion to the Head Constables. The Court was also informed, and the same was recorded in paragraph-9, that Director General of Police found fault with the selections conducted by the Superintendent of Police and directed cancellation of 'C' list prepared by him, which was affirmed by the Government. The view taken by the Tribunal with reference to the procedure for preparing list for promotion to the Head Constable is upheld by the High Court. However, Court found fault with the Tribunal order in setting aside the promotions affecting petitioners therein, who were not parties. This Court found fault with the procedure adopted by the applicants before the Tribunal in selectively impleading some of them. Having regard to the peculiar facts of that case, High Court saved the promotions made in the year 2003. However, High Court directed sending the applicants therein for training and further written test and to include them in 'C' list, and depending on availability of vacancies to promote them as Head Constables.

4. Having regard to the subsequent decision of Andhra Pradesh Administrative Tribunal (APAT) at Hyderabad and judgment of this Court in WP No.17579 of 2009 and the fact that Director General

of Police as well as Government have disapproved the drawing of 'C' list, which is relied by the petitioners to claim promotion as Head Constables, the relief as sought by the petitioners cannot be granted.

5. It is appropriate to notice that on clarification sought by the Superintendent of Police, the Director General of Police vide his Memo, dated 26.07.2011, enclosed at page-20 to the counter-affidavit, informed him that 'C' list prepared during year 2001 was not in accordance with G.O.Ms.No.175, Home (Police.D) Department, dated 30.03.1996 and the same was confirmed by the Hon'ble High Court in the above writ petition. In view of the clarification given by the Director General of Police, the consequential order was passed by the Superintendent of Police, impugned in this writ petition.

6. Having regard to the background facts and the judgment of this Court in W.P.No.1759 of 2009, I do not see any error in the decision communicated by the Superintendent of Police, as per orders of the Director General of Police. It is not in dispute that petitioners are not seniors and ignoring their seniors, they were considered for promotion without even assessing their suitability. Even now, according to the learned counsel for petitioner also, there are several more seniors yet to be promoted. Thus, ignoring seniors, merely because erroneously the names of petitioners were included in 'C' list, which list does not survive for the reasons noted above, no relief as sought for can be granted. I see no merit in the writ petition and is accordingly dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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kkm



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