

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

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.No. 15547 OF 2017

DATED 03RD AUGUST, 2017

Between:

SM Hashmi ... Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Agriculture and Cooperation (Marketing) Department,
Secretariat, Hyderabad, and others ... Respondents

Counsel for the petitioner : Sri P.Lakshmana Rao

Counsel for respondent Nos. 1 & 2 : G.P. for Services (T.S.)

Counsel for respondent No. 3 : --

THE COURT MADE THE FOLLOWING

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

This Writ Petition is filed for a *mandamus* to declare the inaction of respondent Nos. 1 and 2 in implementing order dated 08-07-2014 in O.A.No. 9343 of 2013 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal).

2. This Court on 22-06-2017 passed a conditional order to the effect that if respondent Nos. 1 and 2 do not comply with the aforementioned order of the Tribunal, they shall be personally present in the Court on the next date of hearing.

3. Today at the hearing, learned Government Pleader for Services (T.S.) has placed before us letter dated 27-07-2017 addressed to him by the officer holding full additional charge of respondent No. 2, wherein it is stated that respondent No. 1 has issued Memo No. 273/MKT.I/2017-5 of A & C (MKT.I), Department, Dated: 20-07-2017 to the effect that on consideration of the case of the petitioner, it was held that as the petitioner is entitled for promotion to the post of Deputy Director of Marketing under Government service only and as there is no vacancy in the said post from the panel year 2014-15, respondent No. 1 is unable to promote him.

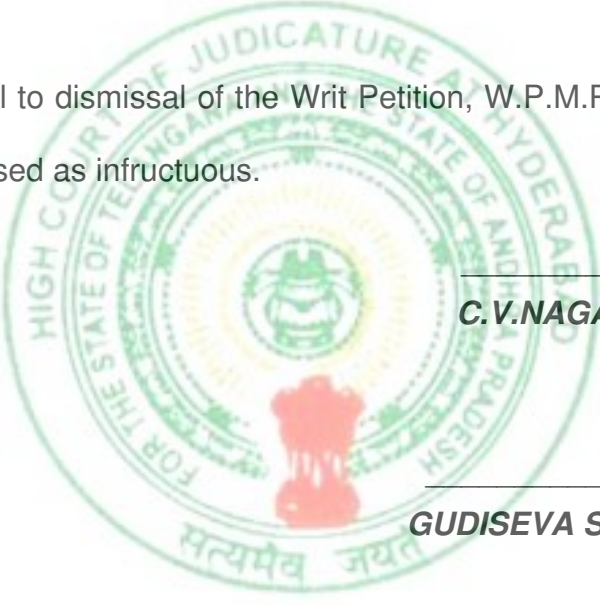
4. Sri P.Lakshmana Rao, learned counsel for the petitioner, vehemently submitted that respondent No. 1 has distorted the facts and issued the aforementioned memo to overreach the order of the Tribunal.

5. From the perusal of the order of the Tribunal the implementation for which the petitioner filed the present Writ Petition, it is evident that a direction simplicitor was issued to respondent Nos. 1 and 2 to consider the case of the petitioner for promotion to the post of Deputy Director of Marketing for the panel

year 2014-15. In the absence of any finding, on merits, by the Tribunal declaring the right of the petitioner for promotion for the panel year 2014-15, it is not possible for this Court to consider the submission of learned counsel for the petitioner that the reasons contained in the Memo are incorrect. With the issue of Memo dated 20-07-2017, the order of the Tribunal stood complied with and if the petitioner feels aggrieved by the said Memo, he shall be free to avail a fresh legal remedy.

6. Subject to the liberty given to the petitioner as above, this Writ Petition is dismissed.

7. As a sequel to dismissal of the Writ Petition, W.P.M.P.No. 19178 of 2017 shall stand dismissed as infructuous.



C.V.NAGARJUNA REDDY, J.

GUDISEVA SHYAM PRASAD, J.

Date: 03-08-2017.

JSK

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD



W.P.No. 15547 OF 2017
*(Order of the Division Bench delivered by
Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

DATE: 03RD AUGUST, 2017

JSK

