

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19728 OF 2000

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in including the name of the petitioner in the seniority list of Assistant Engineers in Guntur District and not including his name in the seniority list of Assistant Engineers in Krishna District as arbitrary and illegal. A consequential direction is also sought to consider the case of the petitioner for promotion to the post of Deputy Executive Engineer in Krishna District on regular basis.

2. Heard Sri P.Kishore Rao, learned counsel for the petitioner, and Sri G.Seena Kumar, learned Standing Counsel for Andhra Pradesh Education and Welfare Infrastructure Development Corporation Limited appearing for the 4th respondent.

3. It is the case of the petitioner that he was appointed as Assistant Engineer in the year 1986 in the then Guntur District Scheduled Caste Service Co-operative Society Limited under the control of second respondent, and after rendering a considerable length of service, he was transferred, on administrative grounds, to Krishna District on 20.02.1988 and ever since he has been working in Krishna District. Since the petitioner was transferred on administrative grounds, his seniority should be protected and he should be shown at an appropriate place in the seniority list of Krishna District Scheduled Caste Service Co-operative Society Limited. However, the respondents had not shown his name in the seniority list of Krishna District, but erroneously shown his name in the seniority list of Guntur District. As he was a senior most

Assistant Engineer in Krishna District, he was asked to discharge the duties of Deputy Executive Engineer, on full additional charge basis, on 28.03.1998. Since there were no eligible candidates in Krishna District, persons from Karimnagar District have been brought in and their cases were considered for promotion as Deputy Executive Engineer on regular basis, ignoring his case. In this set of circumstances, the present writ petition is filed to promote him as Deputy Executive Engineer on regular basis.

4. Learned Standing Counsel for respondent No.4 contended that the second respondent i.e., Andhra Pradesh Scheduled Castes Co-operative Finance Corporation Limited has been taken over by a new Corporation i.e., Andhra Pradesh Education and Welfare Infrastructure Development Corporation and the services of the employees of the then Andhra Pradesh Scheduled Castes Co-operative Finance Corporation Limited have been taken over by the newly created Andhra Pradesh Education and Welfare Infrastructure Development Corporation along with the staff pertaining to Engineering Wing only and the services of the petitioner were taken over by the Andhra Pradesh Education and Welfare Infrastructure Development Corporation and the post of Deputy Executive Engineer has been made a multi zonal post. The respondents had prepared the seniority list of all eligible Assistant Engineers working in various multi zones on 06.11.2015 and in the said seniority list, the name of the petitioner is shown at Serial No.13. He further contended that the seniority list, which was challenged in the writ petition, does not survive, since the petitioner was appropriately shown, as per his eligibility in the

cadre of zonal post of Assistant Engineer, and that, therefore, the writ petition may be dismissed as infructuous.

5. I have considered the rival submissions made by the learned counsel for both parties.

6. When the petitioner was initially appointed in Guntur District, he was transferred on administrative grounds to Krishna District vide Proceedings dated 20.02.1988, and at that relevant point of time, the post of Assistant Engineer was District Cadre post and the service rules for the Corporation have been framed in the year 2000. Whenever an employee was transferred on administrative grounds, his seniority in all his service should be protected. The respondents ought to have shown the name of the petitioner in Krishna District and, accordingly, considered his case for further promotions if at all he was eligible. Admittedly, the respondents have not shown the name of the petitioner in the seniority list of Krishna District. Ends of justice would be met, if a direction is given to the respondents to include the name of the petitioner in the seniority list of eligible Assistant Engineers in Krishna District Scheduled Caste Service Co-operative Society Limited and, thereafter, revise as per the eligibility, and to consider the case of the petitioner for such promotion to which he is entitled.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 18.12.2017

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