

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

WRIT PETITION No.29533 of 2017

01.09.2017

Between:

K.Suresh Babu

.Petitioner

and

The District Collector (BCW),  
Chittoor and others

..Respondents

Counsel for the petitioner: Mr.P.Amarender

Counsel for the respondents: Government Pleader for Services (AP)

The Court made the following:



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

This writ petition is filed assailing order, dated 27.04.2017, in C.A.No.667 of 2016 in O.A.No.2140 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal').

2. We have heard Mr.P.Amarender, learned counsel for the petitioner and the learned Government Pleader for Services (AP) appearing for the respondents and perused the record.

3. The petitioner along with another person *viz.*, S.Abdul Khuddus filed the aforementioned O.A. seeking a declaration that the action of the respondents in not considering their case for promotion to the post of Hostel Welfare Officer (HWO) Grade-I though they are fully eligible and qualified according to the Special Rules as well as Rule 16(h) of the Andhra Pradesh State and Subordinate Service Rules, 1996 (for short 'the Rules') is illegal, arbitrary and discriminatory. They also sought for a consequential direction to the respondents to promote them to the post of HWO Grade-I in preference to those persons who have passed the tests belatedly, by implementing Rule 16 (h) of the Rules, as per their seniority, eligibility and in accordance with the Rules with all service and monetary benefits. The Tribunal, by its order, dated 14.06.2016, disposed of the said O.A. by directing the respondents to consider the case of the applicants therein for promotion to the post of HWO Grade-I as per their seniority and other eligibility criteria under the Rules. The Tribunal, however, observed that the said direction does not mean that the applicants therein alone should be considered for promotion and that they should be considered only if they are eligible as per the Rules along with other eligible candidates. Complaining of disobedience of the said order,

the petitioner filed C.A.No.667 of 2016 in the said O.A. The said contempt application was closed, by the impugned order, based on proceedings, *vide* Rc.No.A1/187/2016, dated 25.04.2017, issued by the Deputy Director of the Backward Classes (B.C.) Welfare Department, Chittoor District. The petitioner's counsel pleaded before the Tribunal in C.A.No.667 of 2016 that the respondents considered and granted promotions to some other candidates, while they did not consider the case of the petitioner and thereby, they flouted the order of the Tribunal in the aforementioned O.A. Repelling the said submission, the Tribunal observed that the Deputy Director issued the aforementioned proceedings observing that even if the petitioner was considered for promotion as per Rule 16(h) of the Rules, there are two persons above him to be considered and that there are no vacancies at present. The Tribunal, accordingly, held that there was no willful contempt. The learned counsel for the petitioner has tried to impress upon us to interfere with the impugned order by arguing on the merits of the case. In our opinion, the petitioner failed to make out any case for our interference with the impugned order. As noted hereinbefore, the Tribunal, while disposing of O.A.No.2140 of 2016, merely directed the respondents to consider the case of the petitioner and another for promotion as per their seniority and other eligibility criteria under the Rules. No findings were recorded by the Tribunal to the effect that the petitioner was eligible to be promoted. If in the process of implementing the directions issued by the Tribunal the respondents have committed any error, that would give rise to a fresh cause of action to question their action in overlooking the petitioner for promotion. As the Tribunal on the facts of the case held that there was no willful violation of

its order by the respondents, we do not find any reason to interfere with the said order impugned in this writ petition.

4. Accordingly, the Writ Petition is dismissed, however, with liberty to the petitioner to avail fresh remedy if he feels aggrieved by the rejection of his claim for promotion.

5. As a sequel to dismissal of the writ petition, W.P.M.P.No.36758 of 2017 filed by the petitioner for interim relief shall stand dismissed as infructuous.

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C.V.NAGARJUNA REDDY, J

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GUDI SEVA SHYAM PRASAD, J

01<sup>st</sup> September, 2017  
GHN

