

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No.10549 of 2017

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.4230 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. His grievance before the Tribunal was that the State of Andhra Pradesh, while fixing the formula of weightage for the purpose of promotions of Armed Reserve Police Constables appointed by transfer from Special Police Battalions, by way of G.O.Ms.No.1 dated 07.01.2016, failed to extend the same formula of weightage to Police Constables (Civil) appointed by transfer from Armed Reserve. He therefore sought a direction to the authorities to extend the same formula of weightage to Police Constables (Civil) appointed by transfer from Armed Reserve by considering his representation. By common order dated 23.11.2016, the Tribunal dismissed the O.A. being of the opinion that it was not the proper authority in a matter relating to proposed amendment of the rules.

Heard Sri K. Muralidhar Reddy, learned counsel for the petitioner, and the learned Government Pleader for Services (Andhra Pradesh) appearing for the respondent authorities.

It is an admitted fact that the representation dated 19.09.2016 made by the petitioner to the Principal Secretary to the Government, Home Department, State of Andhra Pradesh, in relation to his grievance is still pending consideration.

It appears that the Director General of Police, State of Andhra Pradesh, submitted report dated 22.02.2014 to the Principal Secretary to the Government, Home Department, State of Andhra Pradesh, pursuant to the common order passed by this Court in Md. Saiduddin v. K. Venkatesam¹. By way of the said report, the Director General of Police proposed a separate formula for fixation of seniority for Police Constables (Armed Reserve) appointed by transfer from Police Constables (Andhra Pradesh Special Police). This proposal was accepted and given effect to *vide* G.O.Ms.No.1 dated 07.01.2016. However, the proposal

¹ W.P.No.21610 of 2011 and batch dated 08.10.2013

made by the Director General of Police with regard to the formula to be adopted for Police Constables (Civil) appointed by transfer from Police Constables (Armed Reserve) under Clause 7(b) of his report was not taken into account by the State or given effect to. This is the cause for grievance insofar as the petitioner is concerned.

As the petitioner has already submitted representation dated 19.09.2016 in this regard to the authorities concerned and it is for them to consider the same in accordance with law and take appropriate action as deemed fit, the understanding of the Tribunal that it could not play any role in a matter relating to the proposed amendment of the rules is not correct.

The writ petition is accordingly disposed of setting aside the common order dated 23.11.2016 passed by the Tribunal, in so far as it pertains to O.A.No.4230 of 2016, and directing the first respondent to consider the representation dated 19.09.2016 made by the petitioner in the context of the report dated 22.02.2014 of the Director General of Police and the order of this Court referred to supra. This exercise shall be completed expeditiously and, in any event, not later than two months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

N. BALAYOGI, J

24th March, 2017

Note:-

Issue CC in two working days.

B/o

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