

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Petition No.22922 of 2015

Order: (per V.Ramasubramanian, J.)

The petitioner whose claim for promotion to the post of Superintendent as against a vacancy reserved for Physically Challenged was rejected by the Andhra Pradesh Administrative Tribunal, Hyderabad, has come up with the above writ petition.

2. Heard Mr. V.Sudhakar Reddy, learned counsel for the petitioner and the learned Government Pleader for Services-I (Andhra Pradesh) appearing for the respondents 1 to 4.

3. The petitioner is a physically challenged person, under the category of Visually Handicapped. Even according to the petitioner, the vacancy arose in the post of Superintendent in the year 2008 and that the same was intended to be filled up by a candidate who is physically challenged. This is by virtue of G.O.Ms.No.42, dated 19-10-2011.

4. But when the petitioner approached the Tribunal, the Government took a stand that the vacancy in question arose in the year 2006 and that the same having already been filled up, it was not available to be filled up under a Government Order providing for reservation two years later in point of time. Aggrieved by the said order of the Tribunal, the petitioner is before us.

5. Though there is a dispute between the petitioner and the Government as to the year in which the vacancy in question arose, with the petitioner claiming that the vacancy arose in the year 2008 and the Government claiming that the vacancy arose in the year 2006, both the petitioner and the Government are on the same page at least insofar as the fact that the vacancy arose before G.O.Ms.No.42 was issued. Therefore, what the petitioner wanted is to apply G.O.Ms.No.42 issued on 19-10-2011 in respect of a vacancy that arose in the year 2008 or 2006.

6. Once the Government had taken a stand that the vacancy had already been filled up, the question of applying the Government Order either retrospectively from 2008 or prospectively by displacing a person already promoted does not arise. Hence, the dismissal of the original application by the Tribunal was in order. Therefore, the writ petition is dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

M.GANGA RAO, J.

04th December, 2017.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Petition No.22922 of 2015
(per VRS, J.)



04th December, 2017.
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