

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No.4709 of 2017

ORDER: (Per Suresh Kumar Kait, J)

Vide the present petition, petitioner seeks directions thereby setting aside the order dated 12.10.2016 passed in O.A.No.68 of 2013, whereby the application filed by him under Section 19 of the Administrative Tribunals Act, 1985, was disposed of directing the respondents/authorities to determine the seniority of the petitioner vis-à-vis the second respondent in the category of Associate Professor.

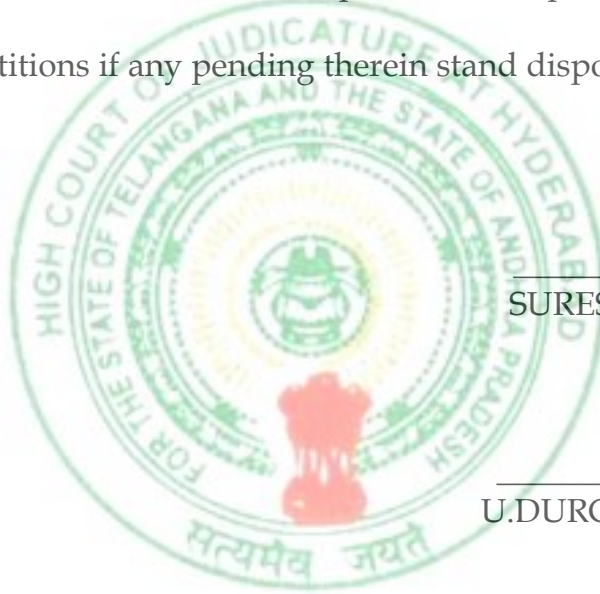
The petitioner filed the O.A., whereby he prayed to declare the action of the 1st respondent in effecting promotion of the 2nd respondent to the post of Associate Professor in Pediatrics in Government Medical College, Ananthapur, without calling for options and ignoring his seniority and also ignoring the request made by him, as illegal, void, arbitrary and consequently set aside the promotion of the 2nd respondent vide proceedings dated 30.08.2012. He further sought direction, thereby directing the 1st respondent to promote him to the post of Associate Professor in Pediatrics in Government Medical College, Ananthapur, alternatively, direct the 1st respondent to promote him as Associate Professor in the existing vacancy, by duly declaring that the 2nd respondent is junior to him in the category of Assistant Professor and also junior in the cadre of Assistant Professor, with all consequential benefits.

In view of the prayer, the issue for consideration before the Tribunal was that, whether the 2nd respondent was properly promoted vide proceedings dated 30.08.2012. On this issue, the Tribunal has not given its opinion, however, directed respondents/authorities to consider the

representation of the petitioner and issue promotion order as Associate Professor.

Learned Government Pleader submits that, in promotion proceedings Rc.No.345713/E1A/2011 dated 30.08.2012, petitioner did not participate, therefore, there was no question to promote the petitioner as Associate Professor. However, we find no such opinion rendered by the Tribunal qua the issue raised by the petitioner. In view of the above, we hereby remand the case to the Tribunal, directing the Tribunal to decide the case of the petitioner on merits after considering the response filed by the respondents.

In view of the above directions, petition is disposed of. As a sequel, miscellaneous petitions if any pending therein stand disposed of. No order as to costs.



SURESH KUMAR KAIT, J

U.DURGA PRASAD RAO, J

July 10, 2017
MRR