

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NOS.4719 and 4871 of 2017

Date: 13.03.2017

WP No.4719 of 2017:

Between:

R.Krishna Murthy, S/o Vittal, Aged about 50 years,
working as Naib Tahsildar, O/o Special Collector,
Pulichintala Project, Nalgonda District and others.

..... Petitioners

and

The State of Telangana, rep.by its Principal
Secretary, Revenue Department, Secretariat,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

In these writ petitions, petitioners are working as Naib Tahsildars and claiming promotion as Tahsildars. Grievance of the petitioners is, without publication of seniority list at the district level in the cadre of Naib Tahsildars, straight away integrated seniority list of Naib Tahsildars in Zone-VI was drawn and promotions to the post of Tahsildars are being taken up, which is contrary to the mandate of Andhra Pradesh State and Subordinate Service Rules, 1996 (for short, 'Rules, 1996'), and in the said process, juniors to the petitioners are sought to be considered for promotion, ignoring the claims of the petitioners.

2. Having regard to the submissions made by the learned counsel for petitioners, learned Government Pleader was directed to obtain instructions as to whether seniority list of Naib Tahsildars at the district level was finalized and what is the basis for drawing up the integrated seniority list of Naib Tahsildars in Zone-VI.

3. Learned Government Pleader, on instructions, fairly submits that seniority list of Naib Tahsildars is not drawn up at the district level integrating the promotees and direct recruitees, whereas based on the panel prepared while effecting promotions to the service candidates as Naib Tahsildars in the respective district for the panel years 2012-2013 and 2013-14, and incorporating the names of direct recruit Naib Tahsildars, the integrated seniority list

of Naib Tahsildars is prepared to effect promotions to Tahsildar cadre.

4. Apparently, this clearly shows that without undertaking the exercise of preparation of seniority list at the district level and without considering the objections, if any, an integrated seniority list was drawn.

5. Rule 33 of Rules, 1996 mandates preparation of seniority list in the unit of appointment. If unit of appointment to the next higher post is different and promotions are to be made by considering employees belonging to different units, the seniority lists in the respective units have to be integrated and integrated seniority list has to be drawn in accordance with Rule 34. The post of Naib Tahsildar is district level post and Tahsildar is zonal level post. Post of Naib Tahsildar can be filled up by promotion and by direct recruitment. The promotion panel only consists of names of service candidates whose names are approved by Departmental Promotion Committee. While drawing seniority list of Naib Tahsildars, it must contain names of promotees and direct recruits. The placements shown in tentative list can be objected by the Naib Tahsildars. Thus, there must be seniority list of Naib Tahsildars at the district level to be drawn in accordance with Rule 33 and thereafter an integrated seniority list should be drawn integrating the persons included in the seniority lists in the respective units, in accordance with Rule 34 of the General Rules. Thus, respondents could not have drawn up the integrated seniority list of Naib Tahsildars based on promotional panels and interpolating direct recruits without first undertaking the

exercise at the district level as required under Rule 33, which action is *ex facie* illegal and, therefore, entire exercise undertaken is invalid.

6. At this stage, learned Government Pleader submits that there are 58 promotees, who are included in the panel year 2011-12, yet to be promoted and there are 79 promotees, who are included in the panel year 2012-13 in the Naib Tahsildars cadre yet to be promoted, who are all seniors to the petitioners. There are about 166 vacancies of Tahsildars in Zone-VI and majority of the persons, who are eligible for promotion, are seniors to the petitioners. He further submits that some petitioners are also under consideration for promotion. He would, therefore, submit that even though the exercise now undertaken may not be valid, but by differing promotions, no advantage would accrue to any person and Government be granted liberty to undertake promotions, based on tentative list drawn, while simultaneously directing Government to take up the exercise of drawing up the seniority list.

7. Having regard to these submissions, learned counsel for petitioners fairly submits that if directions are issued to finalize the seniority list of Naib Tahsildars at the district level and then integrated seniority list in Zone-VI within the fixed time frame and review of promotions made as per final seniority list would suffice the interest of the petitioners at this stage.

8. Having regard to these submissions, writ petitions are disposed of with the following directions:

(i) Respondent authorities are directed to draw seniority list of Naib Tahsildars at the district level strictly in accordance with Rule 33 of the General Rules by drawing up the provisional list, calling for objections and after consideration of the objections, finalize the seniority list. After seniority list is finalized at the district level, they shall draw integrated seniority list of Naib Tahsildars in Zone-VI putting the Naib Tahsildars on notice and on consideration of their objections, finalize the seniority;

ii) The entire exercise should be completed within three months with fixed time schedule starting from the date of drawing up provisional seniority list in the respective district till finalization of integrated seniority list;

iii) Intended promotions shall be treated as on *ad hoc* basis and such promotions are valid for a period of four months from the date of making such promotions ;

iv) All these promotions should be reviewed based on the final integrated seniority list of Naib Tahsildars in Zone-VI and if some of the eligible petitioners are ignored for promotion on *ad hoc* basis, they should be granted promotions by adopting the principle of replacing the junior most upwards promoted earlier on *ad hoc* basis ; and

v) After finalization of seniority, the promotions so granted should be regularized retrospectively from the date of initial *ad hoc* promotion to the extent the persons are eligible to be included in the seniority list and are found suitable for promotion as per the norms of such promotions.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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