

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION Nos.8667, 9365 & 9366 OF 2007

COMMON ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Agriculture, Sri K.Satya Srinivasa Rao, learned Standing Counsel for A.P. State Warehousing Corporation Limited, and Sri S.Srinivasulu, learned Standing Counsel for Telangana State Warehousing Corporation Limited.

2. When the matter is called, it is submitted by the learned counsel for the petitioners that the issue in the present writ petitions is squarely covered by the judgment, dated 21.09.2011, of a Division Bench of this Court in W.A.No.1216 of 2006. A copy of the same is also placed on record. Paragraph Nos.4 and 5 of the said judgment reads as under:

“4. Learned counsel for the respondents contended that the learned single Judge observed that the amended provision is only prospective because the vested and accrued rights of the respondents have to be taken into consideration for promotion and cannot be taken away as they are guaranteed under Article 16 of the Constitution of India.

5. The respondents herein were appointed on or after 29.10.1987. The amendment was given effect to in the year 1997 vide letter dated 04.10.1997, making the Intermediate as essential qualification for promotion to the post of Junior Assistant. In W.P.No.26909 of 1999 this Court held that the amended provisions are only prospective and as per the directions therein, the respondents have promoted the petitioners therein to the post of Junior Assistant. The respondents herein are similarly situated employees. However, it is brought to

our notice that the Corporation has further amended the Regulation in the year 2003 insisting of Graduation for promotion to the post of Junior Assistant. However, the respondents' right to be considered for promotion prior to the amendment, stood adversely affected by the impugned amendment, which was found to be prospective by the learned single Judge of this Court. Therefore, they are entitled to be considered for the post that arose prior to 2003 amendment."

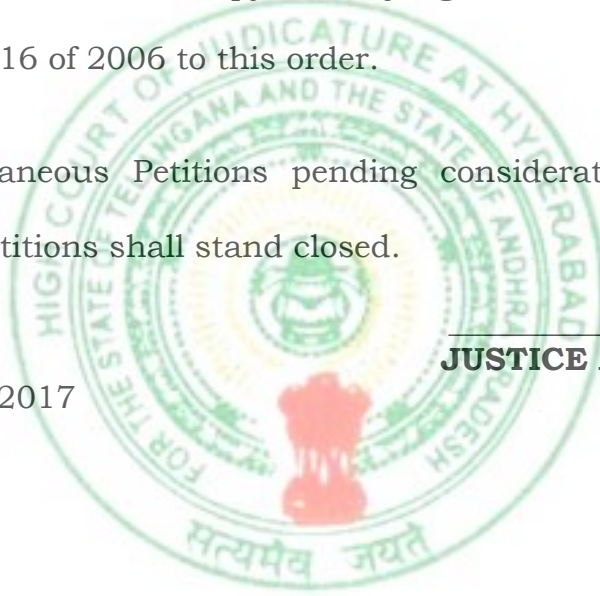
3. Following the said judgment and for the reasons stated therein, these writ petitions are also disposed of in terms thereof.

4. Office to enclose a copy of the judgment, dated 21.09.2011, in W.A.No.1216 of 2006 to this order.

5. Miscellaneous Petitions pending consideration, if any, in these Writ Petitions shall stand closed.

Date : 08.11.2017
AMD

JUSTICE A.V.SESHA SAI



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