

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL**

WRIT PETITION Nos. 13085, 13617, 26355 and 27749 OF 2017

Date: 11.09.2017

WRIT PETITION No. 13085 OF 2017

Between:

P. Sreenivasulu,
Kurnool.

..... Petitioner

And:

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Home Department, A.P., Secretariat,
Secretariat Buildings, Velagapudi,
Amaravathi, Guntur District, and others.

.....Respondents

Counsel for the Appellant: Sri Ravi Shankar Jandhyala

Counsel for Respondent Nos.1 to 3: G.P for Services – I (A.P)

The Court made the following:



COMMON ORDER (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

These writ petitions arise out of common order dated 28.02.2017 in O.A.No.483 of 2017 and batch on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal').

At the hearing, Sri Ravi Shankar Jandhyala, learned counsel for the petitioners, submitted that the aforementioned O.As. were filed against the proceedings issued by respondent No.3 calling upon the petitioners to show cause as to why the seniority list of the Armed Reserve Police Constables shall not be finalised and that the Tribunal has declined to entertain the said O.As. on the ground of availability of alternative remedy of appeal under Rules 23 and 26 of the Andhra Pradesh State and Subordinate Service Rules, 1996. The learned counsel further submitted that though the petitioners have questioned the said order of the Tribunal, they have also filed appeals before respondent No.2, who is the appellate authority.

Inasmuch as the petitioners have already availed the remedy of appeals, as observed by the Tribunal, we do not find any reason to dispose of the writ petitions on merits, as the impugned common order of the Tribunal has worked itself out.

Learned counsel for the petitioners submitted that after filing of the O.As., certain relevant material has come to the notice of the petitioners such as the respondents themselves effecting promotions of certain Head Constables, who are similarly situated to the petitioners as Armed Reserve Sub Inspectors by taking their entire length of service as A.P. Special Police Constables and Head Constables into account and also various anomalies in preparation

of seniority list were noticed. He requested this Court to permit the petitioners to raise additional grounds before respondent No.2 by placing reliance on the said material. He has however submitted that though the seniority list has not been revised so far, respondent No.2 has been seeking to send the juniors to the petitioners for pre-promotional training as Head Constables in anticipation of revision of seniority.

Learned Government Pleader submitted that if the petitioners want to pursue the remedy before respondent No.2, the respondents will not have any objection.

In the light of the above, the writ petitions are disposed of as infructuous, however, with liberty to the petitioners to raise additional grounds along with fresh material, if any, in support thereof before respondent No.2 within three weeks from today. On receipt of additional grounds, if any, respondent No.2 shall dispose of the appeals after giving the petitioners opportunity of personal hearing by passing speaking orders and communicate the same to them. Till the above exercise is completed, the seniority proposed to be revised shall not be given effect to.

As a sequel, W.P.M.P.Nos.16256 and 16257 of 2017 in W.P.No.13085 of 2017; W.P.M.P.Nos.16900 and 16901 of 2017 in W.P.No.13617 of 2017; W.P.M.P.Nos.32685 and 32686 of 2017 in W.P.No.26355 of 2017 and W.P.M.P.Nos.34477 and 34478 of 2017 in W.P.No.27749 of 2017 stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

Date: 11.09.2017

M.S.K.JAISWAL, J

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