

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**W.P.No.14735 of 2017****ORDER:**

Heard Sri P.V.Ramana, learned counsel for the petitioners and Sri C.Appaiah Sarma, learned Standing Counsel for 2nd respondent.

2. The petitioner Nos.2, 4 and 5 hold the substantive post of Executive Engineer in the 2nd respondent organization and they have been given incharge post as Executive Engineers and they have been discharging the duties of the higher posts for more than six years. After the bifurcation of the State w.e.f. 02-06-2014, they have been allocated to the State of Telangana along with 128 posts including 7 posts of Executive Engineers and two have been allocated to the 2nd respondent organization under the provisions of the A.P. Reorganization Act, 2014, though it is stated that cadre strength fixation is not yet finalized.

3. Petitioner Nos.2, 4 and 5 contend that they cannot be continued in the higher posts on incharge basis for such long periods and that there is no impediment to consider their cases for regular promotion to the post of Executive Engineer.

4. In the counter affidavit filed by 2nd respondent, while admitting that the erstwhile Andhra Pradesh State Health and Medical Housing and Infrastructure Development Corporation was divided into the A.P. entity and the 2nd respondent respectively, it is also stated

that petitioners are allocated to 2nd respondent entity and that 7 posts of Executive Engineers have also been allocated to the 2nd respondent entity. It is stated that seniority list to the post of Deputy Executive Engineer has been finalized on 22-08-2016, but certain issues are pending before the expert committee constituted under the Act since the Corporation is included in the IX Schedule and that the Corporation would take appropriate action as soon as it receives acceptance on the said issues from the said expert committee constituted by the Government of India. It is also stated that proposals for sanction for cadre strength is pending before 1st respondent and decision of 1st respondent is also awaited.

5. Having regard to the submissions of the respective parties, I deem it appropriate to direct 2nd respondent to consider the case of the petitioner Nos.2, 4 and 5 for promotion to the post of Executive Engineers within three months from the date of receipt of a copy of this order subject to the expert committee views and the fixation of cadre strength by the 1st respondent.

6. As regards the case of the petitioner Nos.1 and 3 is concerned, though they are working as incharge Superintendent Engineers, presently they have been given the said assignment after they initially worked as incharge Executive Engineers and they continue to hold the substantive rank of Deputy Executive Engineers.

7. Therefore, the 2nd respondent may consider their cases also for promotion to the post of Executive Engineer in the vacancies now allocated as would be done in the case of the petitioner Nos.2, 4 and 5.

8. With the above directions, the Writ Petition is disposed of. No costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

Date: 15-06-2017
kvr

JUSTICE M.S.RAMACHANDRA RAO

