

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25633 of 2017

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 1st respondent in not considering the case of the petitioner for promotion as Revenue Inspector/Senior Assistant from the category of Village Revenue Officer as per Rule issued in G.O.Ms.No.25, G.A. (Ser.B) Department, dated 19.01.2011, as illegal, arbitrary, unconstitutional and void being violative of Articles 14, 16 & 21 of the Constitution of India and consequently by declaring that the petitioner is entitled to be considered for promotion as Revenue Inspector/Senior Assistant in terms of orders issued in G.O.Ms.No.165, General Administration (Services.C) Department, dated 22.04.1997 and promote him as such with all consequential benefits.

2. Heard Sri R. Rajasekhara Rao, learned counsel for the petitioner and the learned Assistant Government Pleader for Services for the respondents and perused the material available on record.

3. The case of the petitioner is that the petitioner is working in the scale of Junior Assistant as Village Revenue Officer and he passed all the departmental tests, except Survey Training for consideration of his case for promotion as Senior Assistant/Revenue Inspector. It is further case of the petitioner that the petitioner's name is not included in the Survey Training by the Joint Director & Vice Principal Survey Training & Academy in proceedings Rc.No.A4/52/2015, dated 04.03.2015, and that the petitioner has requested the respondent authorities to include his name also for deputing him for survey training and that the 1st respondent has

included his name at Serial No.22 for deputing him for Survey Training *vide* proceedings Rc.No.A312732010, dated 19.03.2015, but the concerned Tahsildar is not relieving the petitioner and deputing him for Survey Training. It is further case of the petitioner that the Government issued orders in G.O.Ms.No.165, General Administration (Services.C) Department, dated 22.04.1997, the Government employees, who have crossed 45 years of age shall be exempted from passing of the departmental tests prescribed in the special rules for the purpose of promotion to the next higher category i.e., promotion/appointment by transfer to the post above the one held by him/her if they could not pass the same and that according to the above said orders, the petitioner is fully eligible and qualified for consideration of his case for promotion as Senior Assistant/Revenue Inspector, but contrary to the Rules, the 1st respondent effected promotions to the post of Senior Assistant/Revenue Inspector, by ignoring the case of the petitioner for promotion on 28.07.2017, which action of the 1st respondent is illegal and arbitrary. It is further submitted that the petitioner is entitled for promotion as Senior Assistant in terms of orders issued in G.O.Ms.No.165, dated 22.04.1997.

4. The main grievance of the petitioner is that though the 1st respondent has included the name of the petitioner at Serial No.22 for deputing him for Survey Training *vide* proceedings Rc.No.A312732010, dated 19.03.2015, but the concerned Tahsildar is not relieving the petitioner and deputing him for Survey Training and now the 1st respondent has ignored the case of the petitioner for promotion on the ground that he has not completed Survey Training.

5. Learned counsel for the petitioner states that the petitioner is entitled for exemption from passing of the departmental tests prescribed in the special rules and from Survey Training under G.O.Ms.No.165, General Administration (Services.C) Department, dated 22.04.1997.

6. On the other hand, the learned Assistant Government Pleader for Services for the respondents submits that the staff survey training cannot be exempted under the provisions of G.O.Ms.No.165, General Administration (Services.C) Department, dated 22.04.1997.

7. On perusal of the proceedings Rc.No.A312732010, dated 19.03.2015, filed by the petitioner, it is evident that the petitioner's name is found at Serial No.22 in the said proceedings for deputing him for Survey Training.

8. Taking into consideration the facts and circumstances of the case and the submissions of the learned counsel for the petitioner as well as the learned Assistant Government Pleader for Services for the respondents, this Court is of the view that the writ petition can be disposed of with the following direction:

The respondents are directed to send the petitioner for Survey Training and consider the case of the petitioner for promotion as Senior Assistant/Revenue Inspector, in accordance with law.

9. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY, J

Date: 8th August, 2017
KL

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



WRIT PETITION No.25633 of 2017

Date: 8th August, 2017

KL