

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos. 13061, 13083 and 13084 of 2017

Date : 13.4.2017

WP 13061 of 2017

Between :

J Bapu Reddy S/o Padma Reddy
ASI, Malkajgiri police station
Rachakonda, Cyberabad, Hyderabad

Petitioner

And

The State of Telangana
Rep by its Principal Secretary,
Home Department, Secretariat, Hyderabad & others

Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos. 13061, 13083 and 13084 of 2017

COMMON ORDER:

Since the issue raised in all these writ petitions is similar, with the consent of the counsel appearing for both sides, the writ petitions are taken up together for disposal at the admission stage.

2. Heard learned counsel for petitioners, learned Government Pleader for Services-I (TG) and learned Government Pleader for Hom (TG).

3. Petitioners initially joined as Police Constables in Special Armed Reserve and converted into civil police, earned promotions as Head Constable in the year 2009 and as Assistant Sub Inspector in the year 2012. While so, show cause notice was issued to them proposing to change their seniority position and after considering the explanations submitted by them, by memo dated 18.11.2015 final orders are passed changing their ranking position on the ground that petitioners were not eligible to be considered for promotion when promotions were granted to them, since they did not complete 5 years of service by 2012. Aggrieved thereby, petitioners preferred appeals and the same are pending consideration before the Appellate Authority. At this stage, process is initiated to select Assistant Sub Inspectors for promotion as Sub Inspectors. By fax message dated 1.4.2017 persons listed therein were asked to appear for qualifying examination scheduled to be conducted on 17-18th April 2017.

4. Learned counsel for petitioners contended that erroneously seniority of the petitioners was revised after long lapse of time and that could not have been revised and even though petitioners preferred appeals, without disposing of the appeals, based on the seniority position further promotions are taken, causing undue hardship and suffering to the petitioners.

5. As seen from the material available on record, it is clear that order revising the seniority was passed on 18.11.2015 and as of now this order stands.

In terms of the said order, petitioners have not come up for consideration as Sub Inspectors. Petitioners can set up a claim for promotion only after they succeed before the Appellate Authority. If direction, as sought for by the petitioners pending disposal of the appeals is granted, it would amount to replacing some of the Assistant Sub Inspectors who are called for qualifying examination. No such direction can be issued in their absence. As noted above, unless, petitioners succeed in their pending appeals, they can not be considered. At this stage, no direction can be issued upsetting the promotion process.

6. Since appeals filed by petitioners are pending, the Appellate Authority is directed to dispose of the said appeals as expeditiously as possible, preferably within a period of six weeks by following due procedure and pass appropriate orders assigning due reasons in support of such decision. Any promotions made in the meantime shall have to be reviewed in terms of the decision taken. The persons who are now called for selection shall be informed of the pending appeals and that their consideration is subject to the result of appeals preferred by the petitioners herein. In the event, petitioners succeed in the appeals, they should be granted all benefits to which they are entitled to.

7. Subject to above, writ petitions are disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:13.4.2017
TVK

P NAVEEN RAO,J

HONOURABLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION Nos. 13061, 13083 and 13084 of 2017

Date : 13.4.2017