

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.30071 OF 2017

ORDER:

The present Writ Petition, under Article 226 of the Constitution of India, is filed to declare the action of the respondents in not issuing posting orders pursuant to the promotion order vide Memo No.SE/OP/NZB/DE(T)/PO/JAO/ADM/E1/D.No.1280/17, dated 29.06.2017 issued by the 4th respondent in any of the existing vacancies available in the present newly formed Nizamabad District including Nizamabad Headquarters as being arbitrary and illegal and consequently hold that the petitioner is entitled to be given posting orders as Junior Accounts Officer in any of the vacancies available in the present newly formed Nizamabad District including Nizamabad Headquarters with all consequential benefits including arrears of pay, seniority etc.

2. The case of the petitioner is that the petitioner along with others was promoted as Junior Accounts Officer vide proceedings dated 29.06.2017 informing to report for duty within 15 days from the date of relieving from the present place of working after receipt of posting orders. But, only two persons, who were given promotion along with the petitioner, were given posting orders and the petitioner was not given posting order. Therefore, the petitioner filed a representation, dated 19.08.2017 to respondent No.4, but no action has been taken. Hence the present writ petition.

3. Learned counsel for the petitioner would submit that once granted promotion to the petitioner, the respondents cannot deny the posting, having given posting orders to others.

4. On the other hand, learned counsel appearing for respondents submits that new VRO and Sub-VRO posts have to be constituted and the process is going on and that the persons, who were given posting orders, are about to retire and no other person except those two persons was issued posting orders, therefore, petitioner has to wait till formation of new VRO and Sub-VRO posts.

5. On the strength of the same, learned counsel for the petitioner further submits that persons, who were given posting orders, are retired now and those posts are vacant.

6. It is to be seen that only after finding that posts are vacant, promotion will be effected. It is not known why the respondents have taken up the case of the petitioner and others and effected promotions without there being any posts vacant.

7. In view of the above, respondent No.4 is directed to consider the representation of the petitioner, dated 19.08.2017, within a period of four (04) weeks from the date of receipt of a copy of this order and take appropriate action for giving posting orders.

8. With the above direction, the Writ Petition is disposed of.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE A. RAJASHEKER REDDY

Date: 13.09.2017
INL

