

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO.4394 Of 2017

Date: 27.02.2017

Between:

Sri K.Devi Prasad, S/o Purushotham Rao,
Aged about 56 years, occu: Telugu Translator,
A.P.Legislature Secretariat, Assembly Buildings,
Public Gardens, Hyderabad.

.... Petitioner

AND

The Andhra Pradesh State Legislature,
rep.by its Secretary, The A.P.Legislative
Assembly Secretariat, Hyderabad. (to be shifted
to Velagapudi, Amaravathi, Guntur Dist.) and another.

.... Respondents



The Court made the following:

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ORDER:

The averments made in the affidavit filed in support of the writ petition disclose that petitioner and three others were selected to the posts of Assistant Telugu Translators in the year 1993 in the united State Legislature through A.P.Public Service Commission. Petitioner now claims that he should be assigned seniority over the three other candidates recruited along with him in the category of Assistant Telugu Translators and be granted all other consequential benefits. Petitioner further claims that pointing out irregularities in fixing seniority of Assistant Telugu Translators and affecting the promotions, detailed representation was submitted on 17.01.2017, but so far no action is taken thereon. He, therefore, instituted this writ petition seeking declaration that the representation dated 17.01.2017 deserves prompt consideration and to direct the respondents to examine the said representation and to take immediate decision to fill up the posts of Assistant Secretary and Deputy Secretary on permanent/regular basis.

2. Though affidavit filed in support of the writ petition is not clear and specific on various issues, detailed representation submitted by the petitioner on 17.01.2017 would bring about the grievance of the petitioner. In substance petitioner is seeking for revision of seniority in the cadre of Assistant Telugu Translators and to assign higher seniority to him.

3. Exhibit-P4 annexed to the writ petition paper book is the Office Order No.254/O.P.I/95, dated 24.03.1995. Reading of this Office Order would disclose that four Assistant Telugu Translators,

who were temporarily appointed, were regularized from the dates mentioned against their names in the table shown in the Order. The services of Sri Peddinti Balakrishnama Charyulu, Sri Madapati Vijaya Raju and Smt. Yaddanapudi Kameswari were regularized w.e.f. 01.12.1993 and services of petitioner were regularized w.e.f. 01.01.1994. The above three persons were shown against Sl.Nos.1 to 3 respectively and the name of the petitioner was shown against Sl.No.4. Paragraph-3 of this Office Order states that seniority of the above four individuals is as per the ranking given in paragraph-1 of the Order. It further holds that the first person in the order would take his seniority in the Assistant Telugu Translators category, below the person, by name, D.Satyanarayana. From the reading of the representation, it is clear that this proceeding stands as of now also. Though petitioner contends in his representation that he has raised objections, the same are not considered and seniority position as reflected in the Office Order dated 24.03.1995 is not changed.

4. As seen from paragraph-16 of the representation, petitioner admits that three persons named above him in the Office Order 24.03.1995 were promoted to the Posts of Assistant Secretary and first two further promoted as Deputy Secretaries. It appears that those two persons are working as Deputy Secretaries, whereas petitioner continues to work as Telugu Translator only. The averments are silent as to when other persons earned their promotions to higher posts. There appears no protest when such promotions were made. The entire representation deals with the issue of claim of petitioner for revision of seniority as reflected in the Office Order dated 24.03.1995.

5. Brief analysis of the above facts would show that what is sought by the petitioner is nothing but alteration of seniority position as reflected in the Office Order dated 24.03.1995.

6. If petitioner is aggrieved by the seniority placement, he has to avail departmental remedy as available within the time limit prescribed in the relevant service rules and or legal remedy within reasonable time from the date of determination of such seniority. In the instant case, no such remedy was availed. There is inordinate delay in agitating the issue. Mere submission of representation do not save the limitation and latches as held by the Supreme Court in the case of **S.S.Rathore v. State of Madhya Pradesh**¹.

7. It is settled principle of law that in service matters, more particularly matters concerning seniority, there must be certainty of seniority placements and stale claim should not be entertained and seniority position should not be upset after long lapse of time. The case on hand is undoubtedly a stale claim as the issue relates to the year 1995. Thus, even assuming that if there is merit in the contention urged by the counsel for petitioner that seniority position was wrongly reflected and that he is entitled to revision of seniority and placement above three individuals mentioned in the proceedings dated 24.03.1995, on the ground of inordinate delay and latches, the writ petition is liable to be dismissed. As noticed above, based on the seniority position assigned in the Office Order dated 24.03.1995, persons shown above him earned promotions and persons shown against Sl.Nos.1 and 2, earned further

¹ AIR 1990 SC 10

promotions. These promotions would have to be revised if the claim of the petitioner is accepted, which would cause grave hardship to such persons, who all along were given impression that they are seniors to the petitioner. Further more, those persons, on whom the seniority is claimed by the petitioner, are not made parties to the writ petition. It is also relevant to note that date of regularization of petitioner is later to regularization of persons shown above him. The date of regularization has also attained finality. Seniority followed the date of regularization.

8. Thus, for all the above reasons, writ petition merits no consideration and is accordingly dismissed at the admission stage. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date: 27.02.2017
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JUSTICE P.NAVEEN RAO

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