

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL**

WRIT PETITION Nos. 9551 and 29225 OF 2017

Date: 11.09.2017

WRIT PETITION No. 9551 OF 2017

Between:

K. Ramanaiah, S/o. Kotilingam,
Ongole, Prakasam District and others.

..... Appellants

And:

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Home Department, A.P., Secretariat,
Secretariat Buildings, Velagapudi,
Amaravathi, Guntur District, and others.

.....Respondents

Counsel for the Appellants: Sri M. Ravindra Nath Reddy

Counsel for Respondent Nos.1 to 3: G.P for Services – I (A.P)

WRIT PETITION No. 29225 OF 2017

Between:

K. Sambasiva Rao, S/o. K. Vasantha Rao,
Ongole, Prakasam District, and others.

..... Appellants

And:

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Home Department, A.P., Secretariat,
Secretariat Buildings,
Velagapudi, Amaravathi,
Guntur District, and others.

.....Respondents

Counsel for the Appellants: Sri M. Ravindra Nath Reddy

Counsel for Respondent Nos.1 to 3: G.P for Services – I (A.P)

The Court made the following:

COMMON ORDER (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

These two writ petitions arise out of orders dated 08.03.2017 in O.A.No.591 of 2017 and dated 27.04.2017 in O.A.No.1150 of 2017 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal'), whereby it has admitted the O.As. filed by the petitioners and observed that final seniority list that may be prepared will be subject to the result of the Original Applications.

Heard Sri M. Ravindranath Reddy, learned counsel for the petitioners at length.

The dispute pertains to counting of the past service of the petitioners' as Special Police Constables before their transfer to the service of Armed Reserved Police. Following a judicial adjudication, on this issue, the State Government has issued G.O.Ms.No.1, Home (Legal-II) Department dated 07.01.2016 framing *ad hoc* rules to the following effect:

"The seniority of Police Constables in Armed Reserve, appointed by transfer from Special Police Battalions shall be fixed giving weightage of one year of service for every completed two years of service rendered as Police Constables in Special Battallions, subject to a maximum of seven years."

In the aforementioned O.As., the petitioners challenged the said G.O. by contending that the same is contrary to Rule 15(c) of Andhra Pradesh Police Subordinate Service Rules notified *vide* G.O.Ms.No.1263 G.A (Rules) Department, dated 26.08.1959, as amended from time to time. Following the said

G.O., the appointing authority i.e., respondent No.3 has issued show cause notices to the petitioners as to why their seniority fixed earlier by taking into account the entire length of service as A.P. Special Police shall not be revised.

After arguing the cases at length, learned counsel for the petitioners submitted that on a proper understanding of G.O.Ms.No.1 dated 07.01.2016, he has advised his clients that the said G.O far from being against them, supports their case that the entire length of service as A.P. Special Police must be taken into consideration as the *ad hoc* rule framed under G.O.Ms.No.1 has come into effect from 01.01.2008 and the services of the petitioners have been transferred to Armed Reserved Police much prior to the said date. He, therefore, submitted that his clients are not interested in pursuing the O.As. pending before the Tribunal. He accordingly requested for disposal of the writ petitions without adjudication on merits and with liberty to the petitioners to pursue their remedy before respondent No.3 to whom already they have submitted their explanations. He has sought for permission to the petitioners to submit additional explanations and direct respondent No.3 to consider the same along with the explanations already submitted by the petitioners and, take a decision after giving them an opportunity of personal hearing by passing a speaking order and communicating the same to the petitioners. Learned counsel further submitted that though the seniority list has not been revised so far,

respondent No.3 has been seeking to send the juniors to the petitioners for pre-promotional training as Head Constables in anticipation of revision of seniority.

Learned Government Pleader submitted that if the petitioners want to pursue the remedy before respondent No.3, the respondents will not have any objection.

In the light of the facts discussed and the submissions of the learned counsel for the respective parties noted above, the writ petitions are disposed of without adjudicating the issues on merits with liberty to the petitioners to file an additional explanation within three weeks from today. On receipt of such additional explanation, respondent No.3 shall afford an opportunity of personal hearing to the petitioners, pass a speaking order on the show cause notice issued by him and communicate his orders to the petitioners. Till this process is completed, respondent No.3 shall not act on the proposed revision of seniority list in any manner whatsoever.

As a sequel, W.P.M.P.Nos.11825 and 11826 of 2017 in W.P.No.9551 of 2017 and W.P.M.P.No.36366 of 2017 in W.P.No.29225 of 2017 stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

Date: 11.09.2017

M.S.K.JAISWAL, J

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