

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 32057 OF 2016

Between:

D. Israel S/o Late D. Musalaiah aged about 57 years

....Petitioner

A n d

The State of Andhra Pradesh Industries and Commerce
Department represented by its Principal Secretary, A.P.
Secretariat and three others.

....Respondents

DATE OF ORDER: 18.01.2017



HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION NO. 32057 OF 2016****ORDER:**

Heard learned counsel appearing for both sides and with their consent, the Writ Petition is taken up for disposal.

2. Petitioner is working as Regional Manager before bifurcation of Leather Industries Development Corporation of A.P. Limited (LIDCAP). After bifurcation, the person working as Regional Manager is eligible to be promoted as General Manager. Consequent to the bifurcation of State of Andhra Pradesh, the existing post of General Manager of combined State of Andhra Pradesh has fallen to the share of the Corporation in the State of Telanagana. On consideration of the representation of the petitioner to grant promotion as General Manager by proceedings dated 17.5.2016, the petitioner was informed that the proposals are now pending with the Government for creation of post of General Manager and as and when the post is created, he would be considered for promotion. The petitioner was also informed that he being the senior person eligible for such promotion, he would be considered.

3. In this Writ Petition, petitioner challenges the order dated 11.8.2016, wherein the 4th respondent is now assigned the responsibility as General Manager. The petitioner contends that by the said proceedings, the 4th respondent is granted promotion ignoring the petitioner and the same is illegal and contrary to their

own commitment made in their letter dated 17.5.2016 and such action is *ex-facie* illegal.

4. In the counter affidavit filed on behalf of LIDCAP, it is asserted that so far no post of General Manager is created, however, in order to attend day to day administrative work assigned to the post of General Manager, the Manager working in the head office is also asked to work as General Manager. It is an in-charge arrangement without giving any additional financial benefit. Petitioner is working in Tirupathi Office whereas the 4th respondent is working in Headquarters and therefore, the 4th respondent is assigned in charge arrangements.

5. A reading of the order under challenge makes it clear that it is a not a promotion granted to the 4th respondent. Admittedly, so far the post of General Manager is not created. The petitioner is eligible for being promoted as General Manager as and when such post is crated. The settled principle of law is such in-charge arrangement can be granted in view of exigency of services and while granting such in-charge arrangement, a junior can be placed as in-charge of the higher post ignoring a senior. In the instant case, the grant of in-charge arrangement to the 4th respondent cannot be said to be made in arbitrary exercise of power since the 4th respondent is working in headquarters and the petitioner is working in Tirupathi, which is far away to Hyderabad. Therefore, no interference is called for to the order impugned.

6. Accordingly, the Writ Petition is dismissed. However, it is needless to observe that expeditious steps be taken for creation of post of General Manager. If such post is created, petitioner be

considered for promotion as per his suitability and eligibility.

There shall be no order as to costs. As a sequel thereto,

miscellaneous petitions, pending if any, shall stand closed.

P. NAVEEN RAO, J

Date: 18.01.2017

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