

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.33191 OF 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for respondents.

The petitioners were selected as police constables (Civil)(Men) by proceedings dated 30.08.1999 and thus, they belong to 1999 batch. It is their case that though the seniority list was finalized, the juniors were sent for three months pre-promotional training and thus, the juniors have become eligible for promotion, whereas the petitioners were not sent for pre-promotional training depriving them of the chance of consideration of their cases for promotion. Promotions were also effected for nearly 556 candidates shown in seniority list and the first petitioner is at Sl.No.572. Thus, challenging the inaction of the respondents in sending them for pre-promotional training, the present writ petition is filed.

A counter affidavit is filed on behalf of respondents 1 to 3 stating that 149 police constables (civil) were sent for training after completion of selection process to PTC, Warangal. Basing on the list furnished by the Principal, PTC, Warangal, the appointment orders were issued to 149 candidates from 01.09.1999 onwards. The seniority list of the candidates was prepared provisionally and objections were invited. No objections were received and as per the seniority list, the seniors were deputed for training and they were promoted as head constables. The juniors in the seniority list filed O.A.No.3201 of 2013 before the Hon'ble Andhra Pradesh Administrative Tribunal (the Tribunal, for brevity) and the Tribunal passed an interim order directing the third respondent to dispose of the representation made by the applicants therein. When the same was not disposed of, they filed the contempt application No.1650 of 2013. Thereafter, a revisional provisional seniority list was prepared and

communicated to the applicants in O.A.No.3201 of 2013. Sixty seven (67) candidates were deputed for three months training and the training has been completed on 01.02.2014. There were applications pending before the Tribunal and a writ petition is pending in this Court with regard to seniority. However, O.A.Nos.3201 of 2013 and 7463 of 2013 were disposed of on 10.12.2015 by directing the respondents to prepare seniority list as per G.O.Ms.No.1263, dated 26.08.1959. Accordingly, a revised seniority list of police constables (civil) was prepared from 1974 batch to 1999 batch, the same was communicated to the individuals and the same was finalized on 27.05.2016. Now 39 police constables of 1998-99 batch, who are coming under the zone of consideration for promotion have not undergone pre-promotional training course. In that connection, a letter was addressed to the Director General of Police, Telangana State, Hyderabad, on 12.08.2016 seeking clarification whether to effect the promotions to the said 67 constables of 1998-99 batch who have completed pre-promotional training course from 28.10.2013 to 31.01.2014 for PTC, Warangal, or to give promotions to the 75 converttee police constables, who completed training course from 09.02.2016 to 08.05.2016. A clarification was also given by the DGP, to effect promotions, as follows.

1. Effect promotions to the converttee PCs (Civil) from SI.No.1 to 75 against the existing vacancies if they are otherwise eligible.
2. The remaining vacancies may be kept vacant till completion of PPT in respect of 41 senior PCs (Civil) in between SI.No.96 to 203.

Accordingly, 62 police constables, who were converted from AR to Civil, were promoted as Head Constables by proceedings dated 30.09.2016. Another letter was addressed to the DGP on 02.11.2016 with a request to issue orders for sending the remaining 19 police constables,

who were converted from AR to Civil, and 42 police constables of 1998-99 batch to the pre-promotional training course for police constables fit to act as Head Constables (Civil) at any PTC to avoid further legal complications. As and when orders are received from the DGP Office, they will be sent for pre-promotional training course.

In view of the above facts, there is no dispute that the petitioners' promotion is held up for want of pre-promotional training. The petitioners belong to 1998-99 batch. Now a letter appears to have been addressed to the second respondent on 02.11.2016 with regard to sending the petitioners to the pre-promotional training in order to make them eligible for consideration as head constables. The letter dated 02.11.2016 is pending with the second respondent.

In these circumstances, the writ petition is disposed of directing the second respondent to act upon the letter dated 02.11.2016 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the same to the third respondent in order to take further action.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

20.11.2017
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