

**THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER**

WRIT PETITION No.17651 OF 2017

ORDER: (Oral)

(Per Hon'ble Sri Justice SURESH KUMAR KAIT)

Vide the present petition, the petitioner has assailed the order dated 15.03.2017 passed in O.A.No.365 of 2017.

2. We note that the learned Tribunal has recorded in the aforesaid order, as under :

“Counter filed by the Official Respondents. Admit. Post the matter for final hearing in the usual course.”

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner has filed the aforesaid O.A. with interim relief, as under:

“For the reasons stated above, it is prayed that this Hon'ble Tribunal may be pleased to suspend impugned Proceedings/ Order G.O.Ms.No.44, Health, Medical & Family Welfare (A1) Department dated 3.2.2017 issued/passed by 1st respondent in so far as R3 and R4 are concerned and consequently direct the official respondents to consider and promote the applicant as Professor of Anesthesia in the Roster Point No.50, 55 or 56 which was kept vacant in favour of PH Candidate forthwith pending disposal of the main O.A. and to pass such other order or orders as it may deem fit and proper in the circumstances of the case.”

4. Learned counsel further submits that the learned Tribunal has not passed any order on the interim relief

sought for by the petitioner. Being aggrieved by the same, the petitioner has filed the present petition.

5. It is not in dispute that the petitioner has sought for the main relief in addition to the interim relief.

6. The grievance of the petitioner is that if the O.A. as directed by the tribunal would be heard finally in a usual course then the relief sought for by the petitioner would be defeated.

7. Though the learned Tribunal has not given any opinion on the interim relief, however admitted the matter and directed to be listed for final hearing in usual course.

8. As argued by the learned counsel for the petitioner, as per the Statutory Rules, there is no reservation for the handicapped persons to the posts of Assistant Professor, Associate Professor and Professor in the department of Medical Education, which is evident from G.O.Ms.No.154, Health, Medical & Family Welfare (A2), dated 4th May 2002.

9. It is also not in dispute that vide G.O.Ms.No.42, dated 19.10.2011, all departments of Secretariat and Heads of Departments concerned are requested to issue necessary amendments to the A.P. State and Sub-ordinate Service Rules 1996 and Special Rules of the respective Department wherever necessary for strict implementation of Rule of

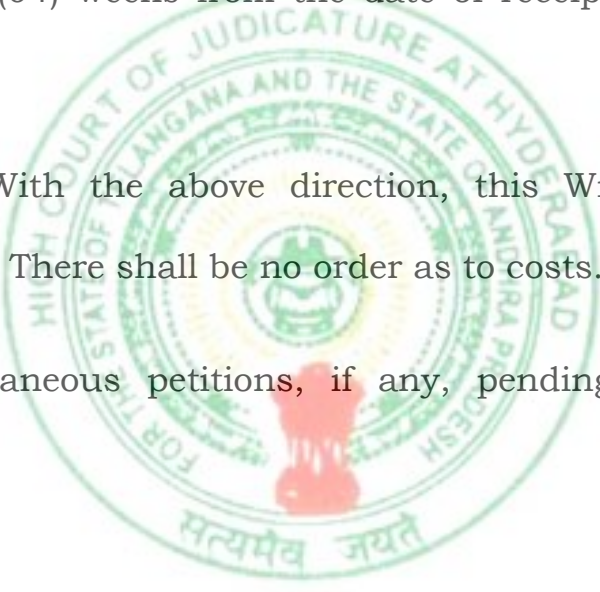
Reservation in promotions to the employees with disabilities in the State Government.

10. As stated by the learned counsel for the petitioner, a request was made however there is no amendment in the Statutory Rules, as mentioned above.

11. In view of the interim relief sought for by the petitioner in O.A., we hereby direct the Tribunal to pass a reasoned order on interim prayer after hearing both parties within four (04) weeks from the date of receipt of a copy of this order.

12. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE SURESH KUMAR KAIT.

Dr. JUSTICE SHAMEEM AKTHER.

Date : 05-06-2017

Gvl