

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Smt. Justice Kongara Vijaya Lakshmi

Writ Petition No.34040 of 2017

Date: 11.10.2017

Between:

The State of Andhra Pradesh
Rep. by its Principal Secretary
B.C.Welfare Dept., Secretariat
Velagapudi, Guntur District and 2 others

... Petitioners

and

Smt.C.Subhashini

...Respondent

Counsel for the Petitioners: GP for Services (AP)

Counsel for the respondent: Sri Ravi Kondaveeti

The Court made the following:



Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for a Certiorari to quash Order, dated 01-09-2017, in VMA.No.166 of 2017 in OA.No.2661 of 2016.

The main criticism of the impugned order of the Tribunal articulated by the learned Government Pleader for Services (AP) is that the said order, which made interim order dated 11-08-2016, absolute and dismissed the VMA, is a thoroughly non-speaking one, shorn of any reasons. We totally agree with this submission in that, when a Vacate Stay Application is filed, the Tribunal is bound to speak its mind by giving reasons for its conclusion that the application is liable to be dismissed. However, on the facts of the case, we are not inclined to entertain this Writ Petition.

A perusal of interim order, dated 11-08-2016, in OA.No.2662 of 2016 passed by the Tribunal shows that it has merely directed the petitioners to consider the case of the respondent for promotion to the post of Hostel Welfare Officer Grade- I as long as her junior Smt.G.Umabai is continuing and pass appropriate orders within six weeks. The true purport of this order, in our opinion, is that a discretion is vested in the petitioners to consider as to whether the respondent is entitled for

promotion or not. No peremptory direction was issued by the Tribunal to the petitioners to promote the respondent as the Hostel Welfare Officer Grade - I.

The learned Counsel for the respondent placed before us proceedings in RC.No.B1/1209/2016, dated 25-07-2017, issued by petitioner No.3 promoting the respondent as the Hostel Welfare Officer Grade- I in compliance with the order of the Tribunal.

The learned Government Pleader has not disputed the above fact. She has, however, submitted that the Tribunal has *suo motu* directed petitioner No.3- Collector to appear before it on the purported ground of non-compliance with the order passed by it. While we do not intend to prejudge the issue pending before the Tribunal, *prima facie*, we are of the opinion that in the absence of any direction issued by the Tribunal that the respondent is entitled to be promoted, there is no justification to perceive the order already passed by petitioner No.3 as being in violation of the Tribunal's order. However, the petitioners are entitled to raise appropriate pleas before the Tribunal in the *suo motu* proceedings stated to have been initiated by it. Needless to observe that, if any

order adverse to the interests of the petitioners is passed, they shall be free to avail appropriate legal remedy.

Subject to the above observations, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.42332 of 2017, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Kongara Vijaya Lakshmi, J)

Dt: 11th October, 2017
lur

