

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.7714 OF 2017

DATED : 08.03.2017

Between :

T.Jeetender Singh S/o.T.Bahudur Singh,
Age 45 yrs, Occ : PC-1369, CAR (Hyd),
R/o.H.No.8-3-231/108/C,
Block-Sri Krishna Nagar,
Hyderabad, Telangana & others.

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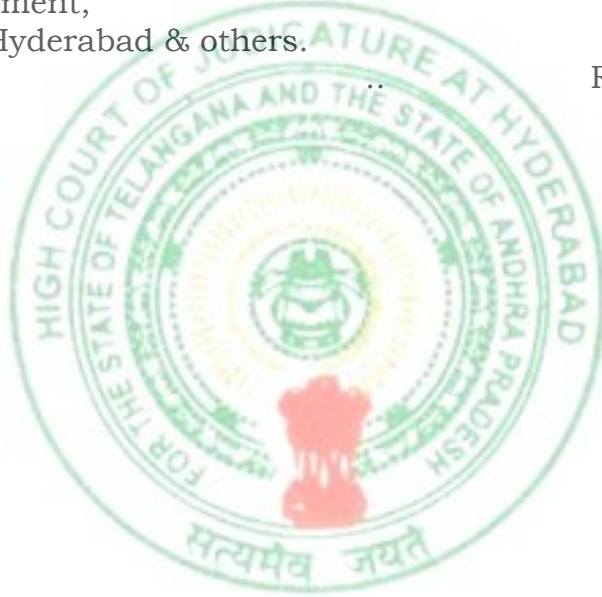
Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Home Department,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioners were originally appointed as police constables in A.P. Special Police Battalions (for short 'the APSP'). The dates of appointment of petitioners in APSP are between 1992 and 1994. Petitioners later transferred to Armed Reserve police between 2004 and 2007. Petitioners' grievance in the writ petition is the juniors to petitioners, by taking the total length of service as constables, are now deputed for pre-promotional training course to determine their fitness to act as Armed Reserve Head Constables by ignoring them. Aggrieved thereby this writ petition is filed.

3. When the matter is taken up for consideration, this Court is informed that Rule 15 notified vide G.O.Ms.No.26 dated 29.04.2015 regulates determination of seniority of police constables originally appointed in Special Police and later transferred to Armed Reserve Police. According to this Rule, seniority of such transferee in Armed Reserve Police shall be fixed, giving weightage of one year of service for every completed two years of service rendered as police constable in Special Police Battalions subject to a maximum of seven years.

4. If this rule is applied to the petitioners, at the most petitioners would get weightage of service of maximum of six years and if this six years of service is added to their date of transfer to Armed Reserve Police, it is seen from the proceedings impugned, that no person whose date of appointment would fall later to the

date of appointment, after computation of weightage, is deputed for training. It is not in dispute that none of the petitioners belong to scheduled caste or scheduled tribe community. As seen from the list of candidates deputed, persons belonging to scheduled caste and scheduled tribe whose date of appointment is later are deputed, but no comparison can be made.

5. Having regard to the statutory mandate, it cannot be said that the exercise undertaken by the respondents in deputing the persons shown in the impugned memo for pre-promotional training as illegal or amounting to arbitrary exercise of power depriving the right of the petitioners without just cause or reason.

6. At this stage learned counsel for the petitioners submit that the rule was framed as a consequence to the judgment rendered by this Court in W.P.No.21610 of 2007. The aggrieved persons have filed Review W.P.M.P.No.41523 of 2015 and the same is pending before this Court. He therefore, submits that the right of the petitioners to agitate their claim for seniority may be preserved, if the Court considers the Review petition favourably reversing the earlier decision. I see merit in the contention of learned counsel to this extent.

7. Thus, while dismissing the writ petition, it is made clear that if the Review petition is allowed and any consequential steps are taken to delete the clause as introduced through adhoc rule and if constables of APSP are granted seniority by computing full service rendered by them in Special Police Battalions, on their transfer to Armed Reserve Force, the petitioners are entitled to claim consequential benefits. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

08th March, 2017
Rds

P.NAVEEN RAO,J

