

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.Nos.28884, 28840, 28848 and 28864 of 2017

Date: 19.09.2017

W.P.No.28884 of 2017 :

Between :

K. Markandeyulu

... Petitioner

And

The State of A.P., rep. by its Principal Secretary,
Revenue Department, Secretariat, Velagapudi,
Amaravathi, Andhra Pradesh, and others.

... Respondents

W.P.No.28840 of 2017 :

Between :

Marri Jagadeeswara Rao

... Petitioner

And

The State of A.P., rep. by its Principal Secretary,
Revenue Department, Secretariat, Velagapudi,
Amaravathi, Andhra Pradesh, and others.

... Respondents

W.P.No.28848 of 2017 :

Between :

Balijepalli Ravi Kumar

... Petitioner

And

The State of A.P., rep. by its Principal Secretary,
Revenue Department, Secretariat, Velagapudi,
Amaravathi, Andhra Pradesh, and others.

... Respondents

W.P.No.28864 of 2017 :

Between :

Potnuru Murali

... Petitioner

And

The State of A.P., rep. by its Principal Secretary,
Revenue Department, Secretariat, Velagapudi,
Amaravathi, Andhra Pradesh, and others.

... Respondents

COUNSEL FOR PETITIONER : Mr. C. Srinivasa Baba
(in all the writ petitions)

COUNSEL FOR THE RESPONDENTS :
(in all the writ petitions) G.P. for Services (A.P.)

THE COURT MADE THE FOLLOWING:



COMMON ORDER : (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

The order dated 16.06.2017 in O.A.No.1526 of 2017 and the common order dated 21.06.2017 in O.A.Nos.1583, 1589 and 1590 of 2017, passed by the A.P. Administrative Tribunal, Hyderabad (for brevity "the Tribunal") are questioned by the applicants therein in these writ petitions.

2. The issue that arose for consideration before the Tribunal was whether the petitioners, who were once Panchayat Secretaries and converted as Village Revenue Officers, are entitled to be promoted as Senior Assistants as per G.O.Ms.No.25, General Administration (Ser.B) Department, dated 19.01.2011, as amended by G.O.Ms.No.341, General Administration (Ser.B) Department, dated 14.05.2013.

3. It is the pleaded case of the petitioners that they are working as Village Revenue Officers and hold the requisite qualifications for being promoted as Senior Assistants. The plea of the petitioners that they are eligible for such promotion was not found favour by the Tribunal.

4. G.O.Ms.No.25, dated 19.01.2011, which amended the A.P. Ministerial Service Rules, 1998, provided for appointment by transfer of Village Revenue Officers drawing the pay scale of Junior Assistant in the Revenue Department in the District as Senior Assistants. In G.O.Ms.No.341, dated 14.05.2013, the cycle of rotation was fixed for promotion to

the post of Senior Assistants in the Revenue Department, as per which out of 10 vacancies, vacancy Nos.2, 5, 7 and 10 are reserved for Village Revenue Officers drawing the pay scale of Junior Assistants.

5. The petitioners have not only pleaded that they have been drawing the pay scale of Junior Assistants, they have also filed separate miscellaneous petitions in proof of the said plea by enclosing Salary Certificates. On perusal of the said Certificates, the learned Government Pleader has not disputed that the petitioners have been drawing the pay scale of either equivalent to the scale of Junior Assistant or even more in some cases.

6. The stand of the respondents that the petitioners did not fulfill the criterion of drawing the pay scale of Junior Assistants when they were working as Panchayat Secretaries does not hold water, as G.O.Ms.No.25, dated 19.01.2011 has not made any distinction between the Village Revenue Officers, who are converted from Panchayat Secretaries and those Village Revenue Officers, who were originally appointed in the Revenue Department. Indeed, the same Tribunal in the context of reversion of some of the Senior Assistants promoted to the post of Village Revenue Officers held that so long as the Village Revenue Officers satisfied the criteria prescribed for promotion to the post of Senior Assistant as on the date of consideration for promotion, they cannot be

reverted on the ground that at the time of their initial appointment, they did not possess the required qualifications.

7. The learned Government Pleader for Services fairly conceded that the same ratio, which was applied by the Tribunal in its aforementioned order dated 27.12.2016 in O.A.No.4036 of 2016 and batch, applies in these cases also.

8. In the aforementioned facts, the impugned orders of the Tribunal are not sustainable and the same are accordingly set aside and the O.As. filed by the petitioners are allowed as prayed for.

9. The writ petitions are accordingly allowed. As a sequel to the disposal of the writ petitions, WPMP.Nos.35936 and 39921 of 2017 in W.P.No.28884 of 2017, WPMP.Nos.35887 and 39926 of 2017 in W.P.No.28848 of 2017; WPMP.Nos.35874 and 39928 of 2017 in W.P.No.28840 of 2017, and WPMP.Nos.35906 and 39922 of 2017 in W.P.No.28864 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

19.09.2017
Msr

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19.09.2017
Msr