

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI

WRIT PETITION No. 4334 of 2017

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.939 of 2016 on the file of the Central Administrative Tribunal, Hyderabad Bench. Her prayer in the said O.A was to declare the action of the authorities in not accepting her request to forego promotion to the post of Upper Division Clerk for a period of one year as illegal and to consequently direct the authorities to continue her as a Lower Division Clerk in the Regional Office, Central Silk Board, Hyderabad. Pending disposal of the O.A., she sought a direction to continue her as a Lower Division Clerk in the Regional Office, Central Silk Board, Hyderabad. By order dated 28.12.2016, the Tribunal held to the effect that no vacancies in the post of Lower Division Clerk exist in Hyderabad and, therefore, the question of continuing her at Hyderabad did not arise. Interim relief was accordingly denied to her. Aggrieved thereby, the petitioner is before this Court by way of this writ petition.

Having heard Sri A. Giridhar Rao, learned counsel for the petitioner, and Sri B. Narayana Reddy, learned Assistant Solicitor General appearing for the respondent authorities, this Court directed the learned Assistant Solicitor General to ascertain the vacancy position in the posts of Lower Division Clerk as the petitioner has already refused the promotion to the post of Upper Division Clerk offered to her.

Today, Sri B. Venkateshwarlu, learned counsel representing the learned Assistant Solicitor General, reported that two vacancies are available in the posts of Lower Division Clerk – one at Shad Nagar and the other at Vikarabad.

Sri A. Giridhar Rao, learned counsel for the petitioner, stated that as no vacancies are available at Hyderabad, his client is willing to join at Vikarabad.

As the main O.A is still pending consideration before the Tribunal and this Court is only concerned with the interim arrangement to be made pending the disposal thereof, the Writ Petition is disposed of directing the authorities to permit the petitioner to join as a Lower Division Clerk at Central Silk Board, Vikarabad. All other issues are left open to be adjudicated by the Tribunal.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date: 20.02.2017

va

JUSTICE SANJAY KUMAR

JUSTICE N.BALAYOGI

