

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION (TR) No.30 OF 2017

Dated:19.07.2017

Between:

Smt. K. Bhagya Rekha, W/o. Raghavender
Rao, aged about 55 years, Occ: working as
MPDO, Shamirpet, Ranga Reddy District,
R/o.Plot No.133, Shivanagar Colony,
Rajendranagar, Hyderabad

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Secretary to Government, Panchayat Raj
Department, Secretariat, Hyderabad
And another

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION (TR) No.30 OF 2017****ORDER:**

At the relevant point of time, petitioner was working as Mandal Parishad Development Officer (MPDO). By memo dated 01.02.2012, fresh provisional seniority list of MPDOs. was circulated and objections were called. The said memo is under challenge in O.A.No.1300 of 2012, transferred to this Court.

2. At the stage of admission, the Andhra Pradesh Administrative Tribunal, recording the statement made on behalf of the Government that no decision was taken with regard to promotions to the post of Deputy Chief Executive Officer, observed that in case the respondents chose to effect promotions to the post of Deputy Chief Executive Officer based on the provisional seniority list, the same shall be informed to the Tribunal before affecting such promotions. It is thus clear that there is no stay on the provisional seniority list under challenge.

3. One other relevant aspect for consideration at this stage is, O.A. was instituted when the petitioner was aged 55 years and he must have retired from service.

4. Learned counsel for petitioner sought to contend that the provisional seniority list was issued as a result of consequential directions issued by the Government in Memo dated 27.01.2012 and therefore there is nothing for the petitioner to submit objections. Learned Government Pleader submits that it is not true that the Government has conclusively decided the issue

directing the subordinate authority to act in a particular manner and therefore petitioner ought to have raised objections before invoking the jurisdiction of the Tribunal.

5. As reported by learned counsel for the petitioner, due to pendency of the Writ Petition, on account of undertaking given by the Government, for the last five years no promotions were affected and holding up promotions to the cadre of Deputy Chief Executive Officer is not in larger public interest. It is always permissible to review promotions as and when seniority issue is finalized.

6. Having regard to the fact that what is under challenge is only provisional seniority list, the Writ Petition is disposed of, without expressing any opinion on merits, granting liberty to the petitioner to raise all objections on the provisional seniority list including the contentions urged in the Writ Petition and if such objections are raised within a period of three weeks from the date of receipt of a copy of this order, the competent authority shall consider the same objectively and pass a reasoned order dealing with each of the objections before finalizing the seniority list. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition (TR) shall stand closed.

P. NAVEEN RAO, J

Date:19.07.2017

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