

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.39225 of 2014

ORDER: (oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, petitioners have challenged the order dated 30.07.2012 passed in O.A.No.4948 of 2009 whereby the petitioners are directed to extend notional seniority to such of the applicants, who are eligible, on par with the unofficial respondents 4 to 6 with all consequential benefits. The said exercise shall be carried out within a period of four weeks from the date of the order.

2) Since the order was not complied with by the petitioners, the respondent/applicant filed C.A.No.874 of 2013 in O.A.No.4948 of 2009. During the pendency of the said contempt application, the Collector and District Magistrate, Prakasam District, Ongole sent a communication to the Commissioner of Social Welfare, Andhra Pradesh, Hyderabad vide RC No.A1/77/2009 dated 06.03.2013 whereby he recorded as under:

“Keeping in view of the above circumstances, speaking orders were issued to the applicants informing that their case for notional promotion as HWO Gr.I on par with their juniors will be finalized as per their eligibility, soon after receipt of the orders from the Government, as a measure of implementation of the judgment delivered in the above O.A. vide reference 17th cited.

Therefore, the proposals are herewith submitted to the Commissioner of Social Welfare, A.P., Hyderabad for onward submission to the Government to assign notional promotion as HWO

Gr.I to the applicants on par with their juniors, as the Government is competent authority to assign notional seniority in respect of where a junior to the employee is promoted without considering the senior for any reason vide Govt. Memo No.10667/Ser.I 1/2010-2, dated 16.05.2011.”

3) While filing the present petition, the aforesaid order has not been mentioned. Therefore, the present petition deserves to be dismissed on the sole ground of concealment of facts.

4) Accordingly, we dismiss the present petition and direct the petitioners to take steps in accordance with the communication dated 06.03.2013 sent by Collector and District Magistrate, Prakasam District, Ongole to the Commissioner of Social Welfare and comply the order dated 30.07.2012 passed in O.A.No.4948 of 2009 within six(6) weeks from the date of receipt of a copy of this order. No costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J

U.DURGA PRASAD RAO, J

Date: 04.07.2017
Murthy/scs