

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

and

THE HON'BLE SRI JUSTICE M. GANGA RAO

Writ Petition No.39472 of 2016

Between:

M. Sarveshwar Reddy, S/o Narasimha Reddy, aged
56 years, Additional Superintendent of Police,
Presently working as Assistant Director (Coordination),
RBVR, Telangana Police Academy, Hyderabad

... Petitioner

Vs.

State of Telangana, represented by its
Principal Secretary, Home Department,
Secretariat, Hyderabad and 2 others

.. Respondents

For Petitioner : Mr. K. Ram Reddy

For Respondents : G.P. for Services-I (TG)

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE M. GANGA RAO

Writ Petition No.39472 of 2016

ORDER: (V. Ramasubramanian, J)

The petitioner originally filed an application in O.A.No.3678 of 2017 on the file of the Andhra Pradesh Administrative Tribunal seeking promotion. By an order dated 17-06-2014, the Tribunal directed the respondents to consider the case of the petitioner for promotion to the post of Additional Superintendent of Police/Non-Cadre Superintendent of Police in the vacancies available prior to November, 2011 i.e. the panel year 2010-11, if he was otherwise eligible.

2. Contending that even thereafter he was not included in the panel for promotion to the post of Additional Superintendent, when G.O.Ms.No.112, dated 14-07-2014 was passed, the petitioner filed a fresh application in O.A.No.4348 of 2014 on the file of the Tribunal. The Tribunal passed an interim order on 18-08-2014, to the following effect, even while admitting the main O.A.:

"Having regard to the above orders of this Tribunal cited supra, the respondents are directed to include the name of the applicant in the provisional seniority list of Deputy Superintendent of Police fit for promotion as Additional Superintendent of Police (Non-Cadre) and then consider his case for further promotion as Superintendent of Police (Non-Cadre) as per that inclusion, in terms of G.O.Ms.No.112, Home (Ser.I) Department, dt.14.07.2014 and pass appropriate orders on his representation dt.15.7.2014."

3. Pursuant to the original order passed in the two Original Applications, the petitioner was promoted as Additional Superintendent of Police, on par with his juniors by G.O.Ms.No.147, Home (Ser.I) Department, dated 15-10-2014. However, he was not granted promotion to the post of Non-Cadre Superintendent of Police.

4. Therefore, the petitioner filed a Contempt Case in C.A.No.1720 of 2014 on the file of the Tribunal. The Tribunal closed the Contempt Petition merely with a direction to the respondents to include the name of the petitioner in the provisional seniority list and to promote him.

5. Aggrieved by the action of the Tribunal in closing the Contempt Application and contending that he should have been promoted to the post of Non-Cadre Superintendent of Police, the petitioner has come up with the above writ petition.

6. Heard Mr. K. Ram Reddy, learned counsel for the petitioner and the learned Government Pleader for Service-I (TG).

7. Today, it is admitted by the learned counsel for the petitioner that none of his juniors was promoted to the post of Non-Cadre Superintendent of Police, except on the date of his retirement namely 31-05-2017. It is the contention of the learned counsel that on 30-05-2017, one of his juniors by name K. Sudershan Reddy, was promoted under G.O.Rt.No.625, Home (Ser.I) Department, dated 30-05-2017. Therefore, the learned counsel contended that the statement made by the Government before the Tribunal is now proved to be wrong and that therefore, on the basis of the previous

orders of the Tribunal, the petitioner is entitled to be promoted as Non-Cadre Superintendent of Police, on par with his junior K. Sudershan Reddy.

8. It appears that K. Sudershan Reddy, took the order of promotion on 30-05-2017 and retired on 31-05-2017. Therefore, the petitioner seeks the very same benefit.

9. But unfortunately, for the petitioner he was facing three disciplinary proceedings, which are highlighted in the instructions given by the Director General of Police, to the learned Government Pleader. They are as follows:

“....(i) He was figured as AO in a Criminal Misconduct case No.244/RCO-CIU/2011. Final report was sent to Govt., on 23-5-2012 recommending to prosecute the AO in a Court of Law. Govt., issued orders on 23-5-2012 to prosecute the AO in a Court of Law. Pending trial in the Court vide CC.No.154/2012.

(ii) He figured as AO in Disproportionate Assets Case No.30/RCA-CIU/2011. Final report was sent to Govt. on 29-4-2015 recommending to prosecute the AO in a Court of Law, Govt. orders are awaited.

(iii) He figured as AO in a Criminal Misconduct Case No.62/RCO-CIU/2012. Final report was sent to Govt. on 1-8-2013 recommending to prosecute in a Court of Law. Govt., issued orders on 19.12.2013 to prosecute the AO in the Court of law. Pending trial in Court in Cr.24/2014.....”

10. As a matter of fact, the respondents or at least the petitioner ought to have brought to the notice of the Tribunal, the pendency of those proceedings. The Direction of the Tribunal is to consider the case of the petitioner. In the light of these three proceedings, the only way the case of the petitioner could be considered is to reject it.

Therefore, the writ petition is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

Date: 30-10-2017

Ksn

