

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.14283 OF 2016

ORDER: (*Per Hon'ble Sri Justice V. Ramasubramanian*)

Aggrieved by the order of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal') directing the Government to consider the case of the first respondent herein for promotion to L.F.L. Headmaster with effect from February, 2013, the State has come up with the present writ petition.

The first respondent herein, who was working as Secondary Grade Teacher, was promoted in February, 2009 as L.F.L. Headmaster. In June, 2009, the first respondent made a request for reversion and, accordingly, she was reverted on 01.07.2011.

In June, 2013 the first respondent made a request for promotion, but the same was rejected on the ground that after reversion, she will take the bottom most seniority in the reverted category. Aggrieved by the said order, the first respondent filed an Original Application, which was allowed by the Tribunal. Therefore, the State is before us.

Under Rule 28 of the Andhra Pradesh State and Subordinate Services Rules, 1996 (for short, 'the Rules'), a person is entitled to relinquish any right or privilege. The acceptance of such relinquishment is conditional upon the fulfillment of certain requirements.

The contention of the learned Government Pleader is that this is not a case of relinquishment of promotion covered by Rule 28, but a case of reversion of an individual, made on her own request, after having accepted the promotion, joined duty and worked in the promoted post.

But unfortunately, there is no provision in the Rule whereby a person who is promoted, who has joined duty and has worked in a promoted post, can be reverted even on his own request; such a reversion is permissible only by way of penalty.

Therefore, the Government could not have accepted the request for reversion unless they have treated the same as one of relinquishment under Rule 28. If the request for reversion is to be treated only as a relinquishment covered by Rule 28, then the request for repromotion will also have to be treated under the very same Rule. As rightly pointed by the learned counsel for the 1st respondent, the issue is covered by a decision of another Division Bench of this Court in ***G. Boyanna Vs. The High Court of Andhra Pradesh***¹, wherein it was held that the reversion on request, after promotion, will have the same affect as that envisaged under Rule 28. Therefore, the Tribunal was right in allowing the Application. We find no justification to interfere with the said order. Hence, the writ petition is dismissed.

As a sequel, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed as infructuous. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 05-01-2017.
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¹ 2009 (1) ALT 462

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(Order of the Division Bench delivered by
Hon'ble Sri Justice V. Ramasubramanian)

Date. 05-01-2017

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