

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.36921 of 2017

ORDER:

The first petitioner and the second petitioner were appointed as Junior Accounts Officers and joined their posts on 21.07.2000 and 27.07.2000 respectively. Thereafter, they were promoted as Assistant Accounts Officers on 11.01.2008 and 03.01.2008 respectively. They were further promoted as Accounts Officers on 19.10.2015.

It is the case of the petitioners that they have competed for the post of Junior Accounts Officer against a common notification in a direct recruitment and succeeded in the selection process along with 43 others and individual letters of appointment were given in June, 2000, duly enclosing the list of candidates. There was no mention about the merit obtained by each candidate. They were assuming that the list was prepared as per their merit. It appears that one Sri G.Srinivas, JAO, applied for merit list of the Junior Accounts Officers appointed during the year 2006 by way of direct recruitment and the merit list was communicated to him in May, 2014. In the said list it was found that the first petitioner was selected as JAO at 100 point roster in open competition by securing 90.125 marks, whereas the third respondent, who belonged to BC-D community secured 87.75 marks and he was placed at roster point No.43. The fourth respondent, who belonged to BC-B community and secured 86.125 marks, was placed at roster

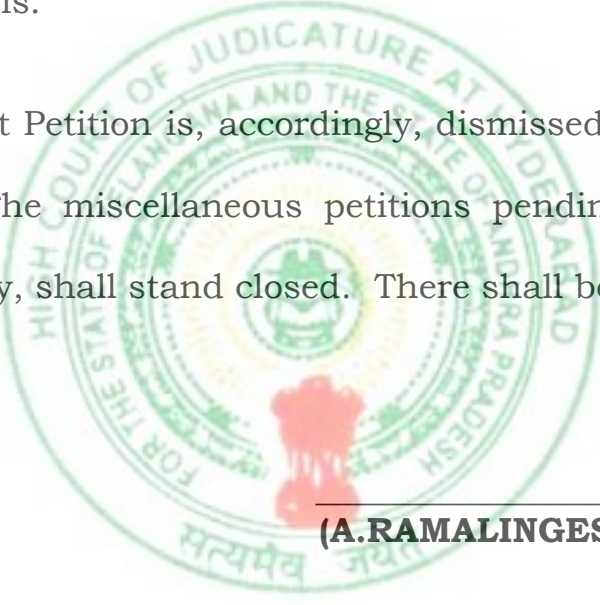
point No.74. It is the case of the first petitioner that since he secured 90.125 marks in the open competition, he should have been placed over and above respondent Nos.3 and 4, but he was wrongly placed at roster point No.100. Similarly, the second petitioner, though he secured 90.75 marks and selected in open competition, he was placed at roster point No.84, below respondent Nos.3 and 4. As per Regulation 26 of APSEB Regulations Part II, which were adopted by the first respondent, the seniority of a person in class of service, category, grade shall be determined basing on the rank obtained by the candidates in the list of approved candidates. Thus, though the petitioners were more meritorious in the direct recruitment, they were treated as juniors to respondent Nos.3 and 4, who secured less marks. In those circumstances, they submitted a representation on 02.05.2015 to rectify the seniority and a reply was issued on 16.07.2015 stating that their request cannot be considered based on the legal opinion provided by the TSTRANSCO vide its letter dated 18.05.2015. Against the said order, they preferred representations to the first respondent, who is the superior authority, on 05.06.2017 and 03.07.2017 requesting for rectification of seniority. When the same were rejected on 24.07.2017, the present Writ Petition is filed.

It is clear from the above facts that the petitioners were appointed as Junior Accounts Officers in the year 2000 and they never challenged their placement in the seniority list. They were promoted as Assistant Accounts Officers in the year 2008

and further promoted as Accounts Officers in 2015. Thus, the grievance of the petitioners relates to the list prepared in the year 2000. Even otherwise also, when their representation was rejected on 16.07.2015, they did not approach this Court immediately. Learned Counsel for the petitioners could not show any rule providing for an appeal against the order dated 16.07.2015 and now when an order was passed by the first respondent on 24.07.2017, the present Writ Petition is filed. The settled things of seventeen years cannot be unsettled after two promotions.

The Writ Petition is, accordingly, dismissed on the ground of laches. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

03.11.2017
vs



(A.RAMALINGESWARA RAO, J)