

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.40043 of 2017

ORDER:

Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner was initially working as Junior Assistant in S.V.N.L.S.Devasthanam, Simhachalam. He was transferred to S.D.M.S.Devasthanam – the fourth respondent. In the S.V.N.L.S.Devasthanam, Simhachalam, he was promoted to the cadre of Senior Assistant by proceedings dated 24.03.2017 in the vacancy caused due to the promotion of one Sri V.Kameswara Rao from the post of Senior Assistant to Superintendent. Accordingly, he was given the promotion and he joined the post of Senior Assistant in the fourth respondent temple where he was working. However, by virtue of the policy decision taken by the Government to extend the benefit of age of retirement of 60 years to Devasthanam employees, the retired Superintendent was re-inducted into service and he was admitted to service on 04.05.2017. As a result of re-induction of the said Superintendent, the said V.Kameswara Rao, who was promoted as Superintendent, was reverted to the cadre of Senior Assistant for want of vacancy. Consequently, the petitioner was reverted from the cadre of Senior Assistant to Junior Assistant by proceedings dated 24.05.2017. Challenging the same, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the third respondent addressed a letter to the Commissioner, Endowments Department, on 03.02.2016 requesting to convert the two posts of Typists into Senior Assistant posts and if a decision was taken in that respect, there would have been a vacancy in the post of Senior Assistant. But, in view of the non-issuance of orders of conversion, now the petitioner is reverted. He further relied on the circular dated 18.05.2007 with regard to the promotion to be given to an employee working in a borrowing temple.

The facts of the case make it clear that consequent to the policy decision of the Government, a Superintendent, who was retired from service on attaining the age of 58 years, was re-inducted and as a result of the same, Sri V.Kameswara Rao, who was promoted as Superintendent from the post of Senior Assistant in S.V.N.L.S.Devasthanam, was reverted to the post of Senior Assistant. It had a cascading effect on the petitioner, and the petitioner, who was working as Senior Assistant, had to be reverted to the post of Junior Assistant. This position is not disputed, but the petitioner wants to rely on the earlier request made by the third respondent on 03.02.2016 seeking conversion of two posts of Typists into Senior Assistant posts in order to buttress his case for retention in the post of Senior Assistant. But, such a situation can be considered only when the two posts of Typists are converted into Senior Assistant posts. As on today there is no vacancy in the post of Senior

Assistant and consequently, the reversion of the petitioner cannot be found fault. The reliance on the circular dated 18.05.2007 is also of no avail, as it is not applicable to the facts of the present case.

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

27.11.2017
vs

(A.RAMALINGESWARA RAO, J)

