

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.40305 of 2017

ORDER:

Heard the learned Counsel for the petitioners.

The petitioners are working as Head Constables in Telangana Police (Civil) Subordinates Service. They were initially appointed as Police Constables in Andhra Pradesh Special Police battalion on 08.05.1988, 25.10.1990, 10.01.1991, 20.10.1990 and 07.11.1990 respectively. It is stated that there were combined Police Subordinate Service Rules for all the categories issued vide G.O.Ms.No.1263, dated 26.08.1959. While so, the Government amended the rule dispensing with direct recruitment to the posts of Police Constable in District Armed Reserve/Special Armed Reserve/CPL and decided to fill up the posts with Police Constables working in A.P.Special Police Battalion by transferring APSP personnel on administrative reasons. It appears that the Director General of Police issued a circular on 04.05.2001 facilitating conversion of Police Constable (APSP) to Armed Reserve Police Constable vide G.O.Ms.No.270, dated 02.04.1990. The petitioners were appointed on administrative grounds by transfer upon conversion into District Armed Reserve in the years 2000 and 2002. When they were working in Armed Reserve, separate rules were issued in respect of Police Constables (Civil) called Andhra Pradesh Police (Civil) Subordinate Service Rules vide G.O.Ms.No.374, dated

04.12.1998, in supersession of the Special Rules issued in G.O.Ms.No.1263, dated 26.08.1959. The petitioners were appointed by transfer on 10.10.2010 and worked as such till they were promoted as Head Constables (Civil) in the month of June, 2016. When the Superintendent of Police, Nizamabad, sought for a clarification from the second respondent regarding fixation of seniority in respect of Civil Police Constables who were transferred from APSP to AR and AR to Civil, the second respondent issued a Memorandum on 09.09.2015 clarifying the position. It appears that at the instance of some aggrieved parties, W.P.No.30523 of 2017 was filed challenging the clarification issued by the second respondent on 09.09.2015 and it was suspended by this Court by way of an interim order in the said Writ Petition on 14.09.2017. Now when a show cause notice is issued with regard to the seniority of the petitioners, the petitioners instead of submitting a reply, filed the present Writ Petition challenging the very Memorandum dated 09.09.2015.

This Court noticed that the cause of action for issuing the show cause notice may be the Memorandum dated 09.09.2015. But, when the show cause notice is issued, it is incumbent upon the petitioners to submit their explanation. In W.P.No.30523 of 2017 not only the Memorandum dated 09.09.2015 was challenged, but also the final seniority list communicated on 24.07.2017 was challenged. In those circumstances, while issuing notice before admission, this

Court granted interim suspension of the Memorandum dated 09.09.2015. In the present case, as stated above, the cause of action emanated from the issuance of show cause notice and the petitioners can wait for the final orders after they submit their explanation. If the Memorandum dated 09.09.2015 was already suspended, it is open to the petitioners to take advantage of that suspension, as the said Memorandum was general in nature.

In the circumstances, this Court does not want to burden the docket of this Court by admitting the present Writ Petition and, accordingly, the Writ Petition is dismissed giving liberty to the petitioners to submit the explanation to the show cause notice. In order to submit the explanation, one week's time is granted to the petitioners. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

29.11.2017

vs