

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

W.P.Nos.1083 & 1129 OF 2018

COMMON ORDER: (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

As the issue involved in these two writ petitions is one and the same, these matters are taken up together for disposal by this Common Order.

2. Vide the present petitions, the petitioner has assailed the order dated 27.02.2017 passed by the Tribunal in O.A.Nos.7947 of 2012 and 6915 of 2013 whereby the applications filed by the applicants therein under Section 19 of the Administrative Tribunals Act 1985, have been dismissed.

3. The petitioner herein was respondent No.8 in O.A No.7947 of 2012 and respondent No.5 in O.A No.6915 of 2013.

4. The aforesaid applications filed by the applicants therein were dismissed vide common order dated 27.2.2017 by giving liberty to the applicants to file appeals, if they are so advised, to the competent appellate authority against the impugned seniority list dated 06.09.2012 subject to the period of limitation.

5. As stated by the learned Government Pleader for the respondents herein that the applicants in the aforesaid O.As filed appeal on 25.03.2017 before the Deputy Commissioner of Prohibition & Excise, Kurnool.

6. Vide the present petition, the petitioner has challenged the provisional seniority list dated 26.12.2017.

7. It is not in dispute that the petitioner has not filed any objections to the aforesaid provisional list and has directly challenged that list before this Court submitting that the respondent authority has considered the applications of the applicants before the tribunal in O.A.Nos.7947 of 2012 and 6915 of 2013 as aforementioned O.As have been allowed, whereas the said O.As have been dismissed.

8. We note, that in para 4 of the impugned order, the learned tribunal has observed as under:

“4. Though the Prohibition and Excise Department were not able to secure merit list of selection of APSP Constables at the time of preparation of provisional seniority list and also at the time of finalization of the said seniority list, now during the course of pendency of these Original Applications in this Tribunal, due to persuasion and persistence of this Tribunal, the relevant merit list of selection of APSP Constables could be unearthed and could be brought to surface. Therefore, now there may not be any difficulty for any authorities to prepare the seniority list and to scrutinize the already prepared seniority list dated 06.09.2012, in the light of Rules 33 to 38 contained in Andhra Pradesh State and Subordinate Service Rules, 1991 with reference to the above merit list of selection of APSP Constables who were later absorbed as Prohibition and Excise Constables. Hence, we find that these Original Applications do not lie before this Tribunal.”

9. As stated by the learned Government Pleader before this Court that, at the time of preparing seniority list, based on the date of birth of the applicants, their records were not available, however, during pendency of the aforesaid O.As., the records were traced out, and accordingly, informed to the Tribunal. Consequently, the learned Tribunal dismissed the applications of the applicants therein granting liberty to file appeals, if they are so advised. Accordingly, the respondent authority, after filing the

appeal on 25.03.2017 as mentioned above, the provisional seniority list has been prepared being provisional one.

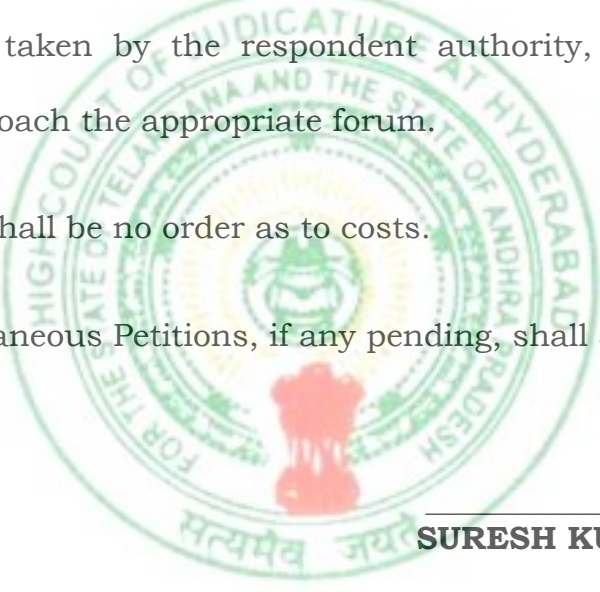
10. We find no ground to interfere with the aforesaid seniority list.

11. Accordingly, these two Writ Petitions are disposed by granting liberty to the petitioner herein to file objections thereto, and the respondent authority shall issue a final seniority list after considering the objections filed by the petitioner, if any.

12. Needless to say that if the petitioner still aggrieved by the decision taken by the respondent authority, he may, if so advised, approach the appropriate forum.

There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.



SURESH KUMAR KAIT, J.

ABHINAND KUMAR SHAVILI, J.

Date : 22-01-2018

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