HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No. 21050 of 2017

O R D E R:- (ORAL)
(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 13.06.2017 in O.A.No. 1301 of 2017 passed by the A.P. Administrative Tribunal, Hyderabad whereby the application filed by the petitioner has been dismissed by observing that having accepted the promotion order on 19.06.2008 wherein the petitioner is shown below the unofficial respondent, now she cannot turn round after 9 years to claim that she is senior to the unofficial respondent. It is further observed that even after finalization of Integrated Seniority List of Office Subordinates which was finalized on 20.11.2014, the petitioner did not prefer any appeal and it has become final.

The undisputed facts are that the petitioner and the 6th respondent were appointed as Office Subordinates, accordingly, the 6th respondent joined duty on 15.07.1999 whereas the petitioner joined on 17.07.1999. Thereafter, vide proceedings dated 19.06.2008, the petitioner and the 6th respondent were promoted as Junior Assistants. On 20.11.2014, an Integrated Seniority List was finalized whereby the 6th respondent is shown at Sl.No.87 and the petitioner at Sl.No.90. The 3rd respondent - Deputy Commissioner of

Commercial Taxes submitted his remarks to the 2nd respondent - Commissioner of Commercial Taxes, the appellate authority, clarifying that by virtue of his proceedings dated 19.06.2008, the petitioner is shown at Sl.No.10 and the 6th respondent at Sl.No.7 which is seriatim number but not seniority. Thereafter, by virtue of the proceedings dated 05.12.2014 issued by the 3rd respondent, the petitioner was promoted as Senior Assistant.

Being aggrieved by the said order, the 6th respondent filed an appeal and the same was allowed vide order dated 27.09.2016. Challenging the same, the petitioner filed O.A.No. 3892 of 2016, and the learned Tribunal, while disposing of the O.A. vide order dated 02.11.2016, directed the 2nd respondent to pass fresh orders in the appeal. The 2nd respondent, by order dated 26.04.2017, allowed the appeal filed by the 6th respondent and finally rejected the case of the petitioner by setting aside the proceedings dated 05.12.2014 of the 3rd respondent. Being aggrieved by the same, the petitioner filed O.A.No. 1301 of 2017 and the learned Tribunal, by the impugned order, dismissed the application.

The 3rd respondent – Deputy Commissioner (CT), in his proceedings dated 19.06.2008, has clarified that the promotion is not as per seniority, but as per seriatim. Thus, it is obvious that the seniority list has not been finalized *qua* the petitioner and the 6th respondent.

Since the petitioner has not filed an appeal against the Integrated Seniority List dated 20.11.2014, this Court, without going into that controversy, deems it appropriate to give an opportunity to the petitioner to file an appeal.

Accordingly, this writ petition is disposed of, without expressing any opinion on the merits of the case, granting liberty to the petitioner to challenge the Integrated Seniority List, dated 20.11.2014 within a period of two weeks from the date of receipt of a copy of this order. On such appeal being filed, the appellate authority concerned is directed to consider and dispose of the same by passing a reasoned order in accordance with law, within a period of four weeks from the date of filing the appeal. The decision taken shall be communicated to the petitioner within one week thereafter. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

10.07.2018

ABHINAND KUMAR SHAVILI, J

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