

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

W.P.No.3412 of 2018

ORDER: (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner is challenging the order dated 12-09-2017 passed in O.A.No.5367 of 2014.

The case of the petitioner is that his name was shown below the name of the 4th respondent in the Seniority list. In view of the order dated 21-11-2005 in O.A.No.7601 of 2005 and G.O.Ms.No.1646 Revenue (SS.2) Department, dated 09-11-2006, the petitioner is entitled for Seniority and over and above the 4th respondent in the provisional list and has filed objections to that effect.

However, the Seniority list was finalized vide order dated 05-02-2014 and communicated by the Commissioner of Survey Settlements and Land Records, A.P.Hyderabad, after overruling the objections of the petitioner for provisional Seniority list.

The fact remains that the 4th respondent has got promotion as Inspector of Survey on 22-09-2006. The petitioner did not qualify for promotion as he has not passed the departmental test. Accordingly, the petitioner and another filed O.A.No.7601 of 2005 before the learned Tribunal. While disposing said O.A., the Tribunal directed the respondents to consider the petitioners case for granting exemption as has been done in respect of similarly situated persons in G.O.Ms.No.496, Revenue Department, dated 07-04-2003.

It is pertinent to note that learned Tribunal did not straightaway granted any exemption. The direction issued by the Tribunal to the Government was to consider the case of the petitioner also for granting exemption as was done previously in G.O.Ms.No.496. The Tribunal also did not direct to give promotion as such by the said order in O.A.No.7601 of 2005.

However, the Government considered and issued G.O.Ms.No.1646, dated 09-11-2006 ordering exemption in favour of the petitioner and another from passing of Accounts Test for Subordinate Officers Part-1 as they have passed Accounts Test for Executive Officers. By the date of issuance of G.O.No.1646, the 4th respondent already got his promotion as Inspector of Survey on 22-09-2006, it is only subsequent to G.O.Ms.No.1646, the petitioner was promoted.

Accordingly, we find no illegality in the order passed by the respondents and Tribunal that the 4th respondent was adjusted as senior to the petitioner by finalizing Seniority list on 05-02-2014.

Finding no merit, the writ petition is dismissed. Miscellaneous petitions pending, if any, shall stand closed. No costs.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

05-02-2018
Nvl

