

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

W.A. No. 285 of 2018
&
W.P.No. 40985 of 2017

JUDGMENT:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ appeal is preferred against the order dated 05.01.2018 in W.P.No. 40985 of 2017, whereby the learned Single Judge of this Court, while ordering Notice before admission, considered the submission made by the learned Standing Counsel for Telangana State Road Transport Corporation that the seniority list is being revised and the promotions already effected on the basis of the old seniority list are being reviewed, accordingly, the learned Judge suspended the Proceedings dated 03.11.2017.

The learned counsel for the appellant submits that the learned Single Judge of this Court, in similar case i.e. W.P.M.P.No. 4053 of 2016 in W.P.No. 3190 of 2016 dated 09.02.2016, made the following order:

“Grievance of the petitioners is that while considering the juniors to the petitioners, they were ignored for promotion as Assistant Depot Clerks/ Controllers. According to the counsel for the petitioners, respondents 4 to 9 are juniors to the 1st petitioner and 10th respondent is junior to the 2nd petitioner. All of them were promoted ignoring the petitioners.

This Court directed the learned Standing Counsel to obtain instructions as to why the petitioners were ignored from promotion while promoting the juniors.

Learned Standing Counsel produced the guide sheet for selection to the posts concerned. It discloses that the 1st petitioner is declared as selected. Insofar as the 2nd petitioner is concerned, it is written as “not in zone of consideration”. Learned standing counsel sought to contend that both the petitioners were earlier removed from service and as a consequence to the award passed by the Labour Court they were reinstated. As a consequence to the reinstatement, their service is counted from the date of reinstatement and that is taken into consideration.

Prima facie, as seen from the seniority list enclosed to the writ petition at page No.17, it appears to have drawn in the year 2013, the name of the 1st petitioner is shown at S.No.52 and the name of the 2nd petitioner is shown at S.No.69. Persons below S.No.52 i.e. respondents 4 to 10 were promoted and 10th respondent is below the 2nd petitioner.

The contention of the learned Standing Counsel *prima facie* appears to be not valid. Admittedly, as per the said seniority list, juniors to the petitioners are promoted, and therefore, ignoring the consideration of the claim of the petitioners for promotion on the ground that their seniority is counted from the date of reinstatement as a consequence to the award passed by the Labour Court is not valid. Therefore, balance of convenience is in favour of the petitioners.

There shall be interim direction as prayed for.”

Keeping in view the submission made by the learned counsel for the appellant and having perused the material placed on record, we find no illegality or perversity in the order dated 05.01.2018 in W.P.No. 40985 of 2017 passed by the learned Single Judge, however we hold that the respondents, while revising the seniority list and reviewing the promotions already effected on the basis of the old seniority list, shall consider the order dated 09.02.2016 in W.P.M.P.No.

4053 of 2016 in W.P.No. 3190 of 2016 which is not further challenged by the respondents.

With the above observations, the writ appeal is disposed of. Consequently, W.P.No. 40985 of 2017, which is pending adjudication before the learned Single Judge, is closed inasmuch as no further orders are required to be passed in it. No order as to costs.

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

19.02.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J

