

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9793 OF 2018

ORDER:

This Writ Petition is filed seeking writ of mandamus declaring the inaction of the respondents 2 to 4 in promoting the petitioner as Assistant Engineer on par with juniors/similarly situated persons who were already promoted as Assistant Engineers vide proceedings No.A4/14301/2012, dated 01.08.2014 even though the petitioner possessed required qualifications as per G.O.Rt.No.209, dated 31.07.2008 and G.O.Ms.No.1, dated 15.01.2009 as illegal and arbitrary.

Heard learned counsel for the petitioner and Sri M.Ravindranath Reddy, learned Standing Counsel for respondents 2 to 4.

Learned counsel for the petitioner submits that the petitioner initially appointed as Work Inspector (Technical) in the year 1990 and his services were regularized with effect from 13.11.1991 vide G.O.Rt.No.65, dated 02.08.2017 with prospective effect duly condoning the break in service with all consequential benefits. He submits that pursuant to G.O.Rt.No.65, the 2nd respondent also issued consequential proceedings No.A2/3187/2017, dated 14.09.2017. He would contend that the qualification for promotion to the next category as Assistant Engineer is Batchelor Degree in Engineering. The Government had issued G.O.Ms.No.1, dated 15.01.2009, wherein in the explanation it is stated that the Draughtsman (civil) and Work Inspector

(Technical) with ITI Draughtsman (Civil) qualification shall be considered for promotion to the post of Assistant Engineer (Housing) only where no eligible candidates with the qualification of Diploma in Civil or Mechanical Engineering are available in Housing Corporation. He submits that though the petitioner obtained degree through Distance Education mode, same was not recognized by the respondent Corporation. Though the petitioner made an application on 09.11.2017, the same is not being considered.

Sri M.Ravindranath Reddy, learned Standing Counsel for the respondents 2 to 4 submits that after bifurcation of the State of Andhra Pradesh, no regular promotions are being affected. He submits that the case of the petitioner has to be considered only when there is no candidate with Bachelor of Engineering and the said clause is appended to the explanation to G.O.Ms.No.1, dated 15.01.2009.

Learned counsel for the petitioner submits that the respondents have issued proceedings No.A4/14301/2012-3, dated 01.08.2014, wherein the services of one N.Ashok Kumar Singh in the cadre of TWI (Technical Work Inspector), who possessed ITI (Civil) qualification, was temporarily promoted as Assistant Engineer in view G.O.Ms.No.1, Housing (RH.1) Department, dated 15.01.2009.

Explanation in G.O.Ms.1, Housing (R.H.1) Department, dated 15.01.2009 reads as follows:

“The candidates of Draughtsman (Civil) and Work Inspector (Technical) with ITI Draughtsman (Civil) qualification shall be considered for promotion to the post of Assistant Engineer

(Housing) only where no eligible candidates in the said category (i.e., Draughtsman (Civil) and Work Inspector (Technical) with the qualification of Diploma in Civil or Mechanical Engineering are available in Housing Corporation.”

Though the learned Standing Counsel submits that the case of petitioner will be considered only when the persons working on regular basis with requisite qualification i.e., Bachelor of Engineer are not available, the said aspect may be considered while considering the application of the petitioner.

Since the respondents have promoted one employee by name N.Ashok Kumar Singh, who possessed ITI (Civil) qualification, as and when the respondents Corporation takes decision for promotions, the case of the petitioner may be considered for promotion as Assistant Engineer by considering the representation of the petitioner dated 09.11.2017 and take action in accordance with law.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY,J

23-03-2018

kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.9793 OF 2018



Date: 23.03.2018

kvs



