

THE HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2014 of 2001

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 1st respondent in issuing proceedings in Pc.A1/ 6401/ 96 dated 15.03.1998 promoting the 2nd respondent as Junior Assistant one day in advance ignoring the seniority of the petitioners, as arbitrary and illegal and set aside the same by directing the 1st respondent to fix the seniority of the petitioners and the 2nd respondent on the basis of the seniority in the cadre of Record Assistants.

2. Heard Sri P. Sainath, learned counsel for the petitioners and Sri NVSR Gopala Krishnama Charyulu, learned counsel for the 1st respondent.

3. The case in brief is that the petitioners are seniors in the cadre of Attender to the 2nd respondent as can be seen from the seniority list dated 04.11.1989 and that the 2nd respondent, who is placed at serial No.5 in the seniority list dated 04.11.1989, was appointed on compassionate grounds as an attender, and having accepted the post of attender, she could not have turned around and sought the post of Record Assistant, that the 2nd respondent had filed writ petition No.15121 of 1996 and this Court vide orders, dated 07.11.1997, disposed of the said writ petition directing the 1st respondent to consider the case of the petitioner therein i.e. the 2nd respondent herein for direct recruitment as an internal candidate if the rules so provide by relaxing the age for filling up of the post either by direct recruitment or by promotion, and in the absence of Rules

providing for direct recruitment to the post of Junior Assistant, her case may be considered in accordance with the seniority for promotion to the post of Junior Assistant in the vacancies that may arise in future. In pursuance to the orders passed by this Court, the 1st respondent had promoted the 2nd respondent as Junior Assistant vide proceedings dated 15.03.1998 excluding the case of the petitioners who were seniors to the 2nd respondent.

4. A perusal of the orders passed by this Court in W.P.No.15121 of 1996, dated 07.11.1997, discloses that this Court has directed to consider the case of the 2nd respondent in accordance with the seniority for promotion to the post of Junior Assistant and had never said that the 2nd respondent should be promoted straightaway. But, the 1st respondent has erroneously promoted the 2nd respondent as Junior Assistant excluding the cases of the petitioners, who are admittedly seniors to the 2nd respondent, as reflected in the seniority list dated 04.11.1989.

5. Therefore, this writ petition is disposed of directing the 1st respondent to consider the case of the petitioners for promotion to the post of Senior Assistant on par with the 2nd respondent with all consequential benefits.

6. With the above observations, the Writ Petition is disposed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

August 10, 2018

KTL