

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.14535 OF 2018

ORDER: (per SK,J)

The petitioner is the unsuccessful applicant in O.A.No.718 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. His prayer therein was as under:

'Application filed under Section 19 of the Administrative Tribunals Act, 1985, praying this Tribunal to declare the action of the 2nd respondent in not considering the objections submitted by the applicant, to the Revised provisional State wide integrated Seniority list of Graduate Deputy Executive Engineers PR in the A.P. State issued by the 2nd respondent vide Memo No.G.Section/9622/2013, dt.31-8-2016, so far despite repeated representations made by the applicant and proceeding with effecting promotions to the post of Superintending Engineer, as illegal, arbitrary and unconstitutional being violative of Articles 14 & 16 of Constitution of India and consequently direct the 2nd respondent to consider the objections/representations submitted by the applicant, by including his name in the State wide integrated Seniority list of Graduate Deputy Executive Engineers PR, taking into account the date of regularization of the services of the applicant in the cadre of Deputy Executive Engineer, i.e. 30-06-97 between Sl.Nos.411 & 412 and further direct the respondents to consider the case of the applicant for promotion as Superintending Engineer either in-charge or regular based on such seniority, by conferring all consequential benefits.'

By order dated 17.04.2018, the Tribunal dismissed the O.A. opining that without the seniority list being finalised, the petitioner-applicant could have no objection to the *ad hoc* promotions being given as such *ad hoc* promotions would always be subject to regular promotions that may be given subsequent to finalisation of the seniority list.

Sri S.Gopal Rao, learned counsel for the petitioner-applicant, would however state before this Court that the revised provisional seniority list dated 31.08.2016 does not include the name of the petitioner-applicant at all though his name found mention in the earlier seniority list at Serial No.62. Learned counsel would further state that G.O.Rt.No.21 dated 07.04.2017 was issued by the Government of Andhra Pradesh promoting one Ch.Amareshwar Rao on *ad hoc* basis as an Executive Engineer on par with his immediate junior, K.Vijay Kumar, but the name of the petitioner-applicant figured above both these persons at Serial No.62 in the said seniority list. Learned counsel would further inform us that the petitioner-applicant's objections to the revised provisional seniority list dated 31.08.2016 are yet to be considered by the authority concerned and the Tribunal lost sight of this fact while dismissing the O.A.

The date of the objections filed by the petitioner-applicant *vis-à-vis* the revised provisional seniority list dated 31.08.2016 is not available but we are informed that after issuance of G.O.Rt.No.21 dated 07.04.2017, he again made representations dated 17.03.2018 and 22.03.2018 to the authority concerned. As the objections raised by the petitioner-applicant and his representations dated 17.03.2018 and 22.03.2018 are yet to be considered by the authority concerned, we are not inclined to entertain this writ petition and adjudicate the same on merits.

The writ petition is accordingly disposed of directing the Engineer-in-Chief, Rural Water Supply and Sanitation, Vijayawada, Andhra Pradesh, the third respondent, to consider the petitioner-applicant's objections and representations on their own merits and in accordance with law and pass appropriate reasoned orders thereon under communication to the petitioner-applicant. The petitioner-applicant shall also be provided a

personal hearing by the third respondent before final orders are passed.

This exercise shall be completed expeditiously and, in any event, not later than four weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

Date:24.04.2018

GJ

M.GANGA RAO,J

