

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

W.P.No.14908 OF 2018

ORDER: (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, petitioner has assailed the order dated 16.11.2017 passed in O.A.No.3132 of 2017 by the Andhra Pradesh Administrative Tribunal at Hyderabad, whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act 1985 has been dismissed.

2. Brief facts of the case are that :

On 10.10.2017 in Pdl.No.134/2017-2018/ANL/A1, the Collector, Visakhapatnam District prepared temporary Deputy Tahsildar panel for the panel year 2017-18 in which the petitioner's name finds place at Sl.No.14 with remarks to the effect that "*private criminal case is pending; may be included in the panel and defer for promotion*".

3. The case of the petitioner is that subsequently the persons in Sl.No.15 and 16 of the said panel were given temporary promotions as Deputy Tahsildars. To this effect, the petitioner filed temporary promotion order given to M.S.Arun Kumar who is at Sl.No.16 as Deputy Tahsildar before the Tribunal, which is challenged.

4. It is not in dispute that the petitioner has got right of appeal against temporary Deputy Tahsildars Panel of the panel year 2017-18 issued by the District Collector, Visakhapatnam, under Rule 26 of the Andhra Pradesh State and Subordinate Service Rules 1996 (for short "Service Rules 1996") to the appellate authority since the said panel affecting service conditions of the petitioner, but failed to do so.

5. It is also not in dispute that against promotion orders given in favour of the petitioner's juniors i.e., L.Chetan Kumar and M.S Arun Kumar denying promotion to the petitioner, the petitioner has got right of appeal to the appellate authority/Chief Commissioner of Land Administration under Rules 23 and 26 of the Service Rules 1996, however, not availed.

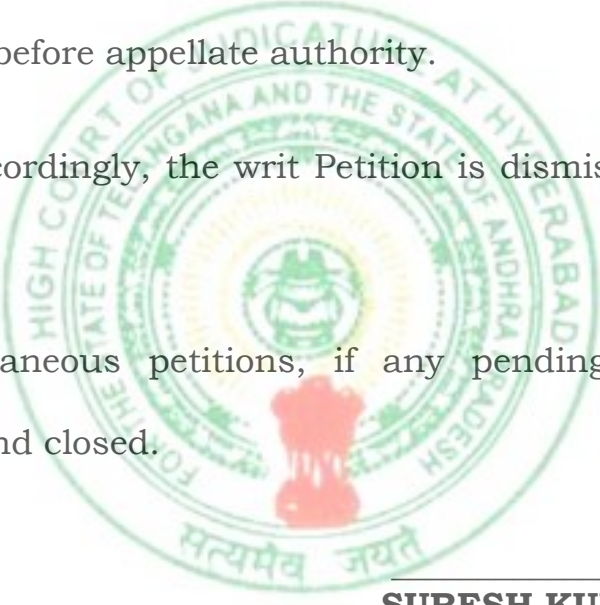
6. We note that the petitioner gave a representation to the District Collector on 16.10.2017. Pursuant to the said representation, the Collector's Office Visakhapatnam issued endorsement dated 26.10.2016 informing the petitioner that his request for considering his candidature for promotion to the Deputy Tahsildar cadre in temporary panel of 2017-18 cannot be considered at this stage in view of pending criminal case against him, as per G.O.Ms.No.257 General Administration (Ser.C) Department dated 10.06.1999.

7. In addition to above, the petitioner has also got right of appeal to the appellate authority under Rule 26 of Service Rules 1996 against order dated 26.10.2016.

8. In view of the above, we hereby find no merit in the present petition and while dismissing the present petition we hereby grant liberty to the petitioner to approach the appellate authority against the temporary panel issued for the year 2017-18 and thereafter promotion given to his juniors. Also give liberty to the petitioner to challenge the order dated 26.10.2016 before appellate authority.

9. Accordingly, the writ Petition is dismissed. No order as to costs.

Miscellaneous petitions, if any pending in the writ petition, stand closed.



SURESH KUMAR KAIT, J.

ABHINAND KUMAR SHAVILI, J.

Date : 25-06-2018
Gvl