

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

I.A.Nos.2 and 3 of 2018

In/and

W.P.No.18346 of 2018

ORDER:

Heard the learned counsel for petitioner, Smt.K.Aruna, learned Standing Counsel for APGENCO and Sri K.Satyanarayana Murthy, learned counsel for 4th respondent.

2. For the sake of convenience, the parties will be referred to as per their array in the Writ Petition.

3. The petitioner in this Writ Petition has questioned a Memo No. JS(Per)/DSEstt/AS(Reg)/PO-PNT/82/2018 dt.18-05-2018 issued by 3rd respondent canceling the promotion order issued to the petitioner on 30-03-2010 as Junior Personnel Officer and restricting him to the cadre of an Assistant w.e.f. 31-03-2010.

4. The said order came to be passed after the 4th respondent filed W.P.No.21405 of 2017 claiming that she is senior to the petitioner and obtained a direction on 13-06-2017 in W.P.M.P.No.26318 of 2017 in that Writ Petition permitting her to submit a representation about her grievance to the respondents, who were directed to dispose of the same and communicate their decision to the petitioner therein.

5. After receipt of the said order and representation of the 4th respondent dt.24-07-2017, the impugned order has been passed without convening a Review D.P.C. and without issuing any prior notice to the petitioner.

6. Though learned Standing Counsel for APGENCO states that DPC Committee was convened, the impugned order makes no reference to it. However, it is admitted that there is no prior notice to the petitioner before the impugned order has been passed.

7. On the said ground, this Court had granted interim order on 06-06-2018 in the Writ Petition suspending the impugned order.

8. I.A.Nos.2 and 3 are filed to vacate the said order.

9. Since it is an undisputed fact that no prior notice was issued to the petitioner before the impugned order has been passed, the impugned order is set aside; I.A.Nos.2 and 3 are dismissed; the 1st respondent/competent authority is directed to give notice to both petitioner as well as 4th respondent, convene a Review D.P.C. and then take appropriate decision in the matter as to their *inter se* seniority in the category of Assistant as on 30-03-2010 and then promote the person eligible among them to the post of Junior Personnel Officer as per the applicable Regulations. The continuance of petitioner as Junior Personnel Officer till the said process is completed shall be subject to such final decision to be taken by the 1st respondent/competent authority. This exercise shall be completed within six (06) weeks from the date of receipt of copy of this order.

10. This Writ Petition is disposed of with the above directions. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 24-12-2018

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