

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19945 of 2018

ORDER: (per Hon'ble Sri Justice Suresh Kumar Kait)

The present writ petition is filed challenging the Memo No.971/167/WA/Admn.II/2015, dated 30.01.2016, passed by the Finance (Admn.II) Department, State of Telangana, contending that despite the orders, dated 03.02.2016, passed in O.A.No.297 of 2016, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, the respondents have not passed fresh orders till date.

The petitioner herein filed O.A.No.297 of 2016, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, seeking same relaxation as extended to one Smt.B.Prema Kumari, D.A.O, who has short of service of nine months for eligibility for promotion, by invoking the provisions of General Rule 10(a) of A.P.State and Subordinate Service Rules, 1996.

Vide the interim order, dated 03.02.2016, in O.A.No.297 of 2016, the learned Tribunal directed the respondents to consider the case of the petitioner for promotion to the post of Assistant Pay and Accounts Officer Cadre, against roster point No.8, reserved for Scheduled Tribe Candidate, from the Feeder Cadre of Divisional Accounts Officer-Gr.I, by relaxing Rule-7 of A.P.Work Accounts Service Rules, 1998, as was done in the case of Smt.B.Prema Kumari, D.A.O by conducting review D.P.C for the panel year 2012-13, within four months from the date of receipt of copy of the said order.

The aforesaid O.A was filed by the petitioner on 28.01.2016 with advance copy to the respondents. The 1st respondent issued proceedings, vide Memo No.971/167/WA/Admn.II/2015, dated 30.01.2016, just before the Tribunal

passed the interim order in the O.A.297/2016. The said fact was not brought to the notice of the learned Tribunal by the counsel for the respondents. Therefore, the impugned memo, dated 30.01.2016, passed by the 1st respondent, is contrary to the interim order, passed by the learned Tribunal in O.A.No.297/2016.

It is brought to the notice of this court that O.A.No.297/2016, pending before the learned Tribunal, is transferred to this court and renumbered as W.P.(Tr.)No.5513 of 2017.

After hearing the learned counsel for the parties, we are of the considered view that in view of the interim order passed by the learned Tribunal in O.A.No.297 of 2016, the impugned memo, dated 30.01.2016, deserves to be quashed. Accordingly, we hereby quash the aforesaid impugned memo, dated 30.01.2016, and direct the respondents to take a decision afresh, in terms of the interim order, dated 03.02.2016, in O.A.No.297/2016, within the time, as directed by the learned Tribunal.

The writ petition is accordingly disposed of. Consequently, W.P.(Tr.) No.5513 of 2017 stands disposed of.

Pending miscellaneous applications, if any, shall stand closed in consequence.

SURESH KUMAR KAIT,J

ABHINAND KUMAR SHAVILI,J

Date: 15.06.2018

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