

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26807 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the order of the 1st respondent-Commissioner of Endowments issued vide D.Dis.No.B3/45978/2001 dated 30.3.2001 and the consequential seniority list as bad and arbitrary.

Heard Sri V.S.R.Anjaneyulu, learned counsel for the petitioner and the learned Government Pleader for Endowments.

It has been contended by the petitioner that he was appointed as night watchman on 3.11.1988 in the office of the 4th respondent-Executive Officer and thereafter promoted as ticket collector on 30.4.1992. Even though he was shown as ticket collector in the proceedings issued by the 4th respondent-Executive officer dated 30.4.1992, he is discharging the duties of Junior Assistant. It has been further contended by the petitioner that in the provisional seniority list issued by the 2nd respondent-Dy. Commissioner of Endowments dated 21.12.1995, he was shown at S.No.24 and one A.Demullu was shown at S.No.26 and in the final seniority list, he was shown at S.No.35 and one Sri A.Demullu was shown at S.No.26. In respect of Sri A.Demullu, the date of appointment as ticket collector was shown as 1.12.1992 and the date of appointment of the petitioner as ticket collector was shown as 8.5.2001. Challenging the same, the present writ petition is filed.

It is submitted by the learned counsel for the petitioner that the action of the respondents in altering the date of appointment of the petitioner in the cadre of ticket collector is arbitrary and that the date of initial appointment of the petitioner should also be reckoned from the year 1992 as was shown in the case of Si A.Demullu.

Learned Government Pleader had contended that the petitioner is having alternative remedy of preferring an appeal against the final seniority list and without exhausting the same, he filed the present writ petition. Learned Government Pleader had further contended that the petitioner was promoted as Attender and he that he was holding the post of ticket collector is not true. Learned Government Pleader also contended that the post of ticket collector is not equivalent to the post of Junior Assistant and when a regular vacancy in the cadre of Junior Assistant had arisen, the case of the petitioner was considered in the year 2001 and no irregularity has been committed by the respondents.

This court having considered the submissions made by both the parties is of the considered view that ends of justice would be met, if the petitioner is directed to submit a fresh representation to the respondents.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a fresh representation to the respondents ventilating his grievance within one week from the date of receipt of a copy of this order and on receipt of such representation, the respondents are directed to consider the same and pass

appropriate orders, in accordance with rules, within a period of four weeks thereafter. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 10/10/2018

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