

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.22392 OF 2018

Dated:04.07.2018

Between:

Sri D. Prasad, S/o. Chandraiah,
Aged 57 years, Occ: Executive (General),
O/o. Telangana State Co-operative Oil
Seeds Growers' Federation Limited,
9thFloor, Prsrambhavanam, Basheerbagh,
Hyderabad

.. Petitioner

And

State of Telangana, rep., by its Principal
Secretary, Agriculture and Co-operative
Department, Secretariat, Secretariat
Buildings, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.22392 OF 2018****ORDER:**

Heard.

2. Petitioner is presently working as Executive (General). His grievance is that the 4th respondent though was shown as Junior to him in the initial cadre all along was promoted as Deputy Manager (General) in the year 2011 ignoring the claim of the petitioner and the 4th respondent is now under consideration for further promotion as Manager and such action is illegal.

3. According to learned counsel for the petitioner, petitioner submitted representation dated 09.02.2018 requesting the Vice Chairman and Managing Director to examine the matter and do justice to him with retrospective effect. In other words, the claim of the petitioner in the said representation is also to grant promotion on par with the promotion granted to the 4th respondent.

4. The material on record would disclose that the common seniority list as on 01.06.2014 was communicated vide circular dated 30.08.2014. This seniority list contains the placement position of officers/employees working in various cadres. Under the heading 'Deputy Manager – General', the name of the 4th respondent is shown against Serial No.55. In the same seniority list, the name of the petitioner is shown against Serial No.74 under the heading 'Executive – General'. Thus, at least by the Circular dated 30.08.2014, petitioner was aware of the promotion granted to the 4th respondent, even assuming that the

petitioner was not aware of the promotion granted to the 4th respondent in the year 2011. Petitioner submitted representation in the year 2014 itself after the communication of the circular with common seniority list. But, thereafter petitioner has not worked out the remedies available in law and instead, he went on making representation after representation. As noted above, in the latest representation, dated 09.02.2018, the claim of the petitioner is more centered to grant the benefits to him on par with the 4th respondent.

5. For a person working in the cadre of Executive (General), next promotion is Deputy Manager (General) and thereafter Manager (General). Admittedly, the 4th respondent was promoted as Deputy Manager (General) in the year 2011. At this stage, petitioner seeks review of the promotion granted to the 4th respondent and also to grant him promotion in the place of 4th respondent or on par with him.

6. The Court is not inclined to entertain the Writ Petition instituted in June, 2018 challenging promotion granted to the 4th respondent in the year 2011 and to grant relief of retrospective promotion to the petitioner from the date of granting promotion to the 4th respondent. In service disputes entertaining the claim belatedly would amount to reopening the issues settled long ago. The issue of promotion to the 4th respondent was finalized long ago and entertaining the claim of the petitioner, at this stage, would amount to upsetting the promotion granted in the year 2011 and may have a chain reaction with reference to other promotions. Moreover, there cannot be two promotions against one post. Thus,

the claim of retrospective promotion on par with the 4th respondent cannot be granted. Therefore, it is necessary to examine as to whether promotion was validly granted to the 4th respondent in the year 2011 and to hold such promotion as illegal to grant a relief of retrospective promotion to the petitioner. Thus, the Court is not inclined to entertain the Writ Petition to examine the validity of promotion granted to the 4th respondent as Deputy Manager (General) w.e.f. 15.09.2011 or to order promotion to the petitioner from that date. The Writ Petition merits no consideration.

7. The Writ Petition is accordingly dismissed. It is needless to observe that if the petitioner is otherwise eligible to be promoted as Deputy Manager (General), dismissal of the Writ Petition does not come in the way of such consideration. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:04.07.2018

KH

P. NAVEEN RAO, J