

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

W.P. No. 22809 of 2018

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed for the following substantive relief:

“...issue a writ of certiorari calling for the records relation to the order dated 02.03.2012 passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No. 3872 of 2010 with C.A.No. 572 of 2011 & V.M.A.No. 1116 of 2011 and quash or set aside the same as being erroneous, irrational and contrary to the provisions of Rule 2 of the A.P. Excise Service Rules and Rule 4 of A.P. State and Subordinate Service Rules, 1996 and further seeks a direction to the respondents to hold that the petitioner is entitled to reckon his seniority as Prohibition & Excise Inspector with effect from the date of regularization of his services in the said category as contained in the final seniority list issued by the 2nd respondent in Rc.No. A1/1830/2001, dated 18.08.2014 and as per the Government Memo No. 30652/ Ex.I(2)/2010, dated 18.02.2012 with all consequential benefits.”

It is not in dispute that the Tribunal, by order dated 02.03.2012, dismissed the O.A. No.3872 of 2010 filed by the petitioner.

The petitioner in the present writ petition seeks to set aside the order of the Tribunal and direct the respondents to reckon his seniority as Prohibition & Excise Inspector with effect from the date of regularization of his services in the said cadre as contained in the final seniority list issued by the

2nd respondent by proceedings dated 18.08.2014 and as per the Government Memo dated 18.02.2012.

Neither the seniority list issued by the 2nd respondent on 18.08.2014 nor the Government Memo dated 18.02.2012 was the subject matter of the O.A. before the Tribunal. Therefore, by virtue of filing the present writ petition, this Court cannot direct the respondents to give effect to the final seniority list issued by the 2nd respondent in Pc.No. A1/ 1830/ 2001, dated 18.08.2014 and Government Memo dated 18.02.2012 which were never the subject matter of the O.A.

In view of the above, we find no ground to interfere with the impugned order passed by the Tribunal.

Hence, the writ petition is devoid of merit and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

05.07.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J