

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26494 of 2017

ORDER :

This writ petition is filed seeking a writ of Mandamus to declare the Proceedings No.2677/E.3/2017-1, dated 29.7.2017 issued by the respondent No.2 and the consequential orders issued in G.O.Ms.No.61 Irrigation and CAD (Ser.II) Department, dated 29.7.2017 issued by the respondent No.1, as illegal and arbitrary. A consequential direction is sought to set aside the promotion orders issued in favour of the unofficial respondent No.3.

Heard Sri Prakash Buddarapu, learned counsel for the petitioner and learned Government Pleader for Services-II, for the official respondents.

It is the case of the petitioners that they are working as Deputy Directors and they are fully eligible and qualified to be promoted to the post of Joint Director and feeder category for promotion to the post of Joint Director is Deputy Director but the official respondents 1 and 2 had promoted respondent No.3 ignoring the case of the petitioners, even though they are seniors to the unofficial respondent.

It is submitted by learned counsel for the petitioners that the official respondents 1 and 2 had promoted the unofficial respondent No.3 as Joint Director, without taking the merit into consideration, since the post of Joint Director shall be filled up by way of selection process on the basis of merit only. Therefore, promotion orders issued to the unofficial respondent No.3 as Joint Director are contrary to the rules.

Learned Government Pleader for Services-II, appearing for the official respondents contends that the unofficial respondent No.3 was rightly promoted as Joint Director as he is fully eligible and qualified for promotion to the post of Joint Director and he is the senior most Deputy Director. The official respondents 1 and 2 had taken the seniority as well as merit of the unofficial respondent No.3 into consideration and after finding the unofficial respondent No.3 as more meritorious candidate than the petitioners, his case was considered and he was promoted as Joint Director.

Sri K.Gani Reddy, learned counsel for the unofficial respondent No.3 submits that the unofficial respondent No.3 was rightly promoted as Joint Director and he had supported the arguments advanced by the learned Government Pleader for Services-II.

Today, learned Government Pleader for Services-II, appearing for official respondents 1 and 2 had produced

records pertaining to the DPC and the said records were also shown to learned counsel for the petitioners in the open Court.

A perusal of the record discloses that the unofficial respondent No.3 had outstanding record of service when compared to the petitioners. In view of the same, there is no merit in the contentions raised by the petitioners.

Accordingly, this writ petition is devoid of merits and is dismissed. However, no order as to costs.

Miscellaneous petitions pending, if any, in the writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATE: 05.01.2018

slk

