

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.38982 OF 2015

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion/appointment by transfer to the post of Junior Assistant as per the rules of A.P. Ministerial Service Rules, 1998, as illegal and arbitrary, and consequently, to declare that the petitioner is entitled for appointment by transfer/promotion to the post of Junior Assistant as per Government Letter No.15869/Trg/A1/2014, dated 25.10.2014 and also as per the rules of A.P. Ministerial Service Rules, 1998.

2. Heard Sri Godi Babji, learned Counsel for the petitioner and the learned Standing Counsel for the 2nd respondent-Corporation.

3. It has been submitted by the learned Counsel for the petitioner that the petitioner rendered 10 years of service in Indian Army and thereafter, he was appointed as Office Subordinate in the 2nd respondent-Corporation on 9.12.1985, and though the petitioner was appointed as office subordinate, the 2nd respondent-Corporation is extracting work pertaining to the Junior Assistant and Senior Assistant also, from him. It has been further submitted that on the previous occasion, the petitioner filed W.P.No.1364 of 2004 before this Court, and this Court vide order dated 27.12.2010 disposed of the writ petition leaving it open to the petitioner to approach respondents Nos.5 and 6 therein i.e., A.P. Education, Welfare and Infrastructure Development Corporation for promotion, in case, any posts of Junior Assistant are created and Rules are framed providing for such promotion to that post. Further, it has been submitted that the respondents framed rules for the A.P. Education, Welfare & Infrastructure

Development Corporation Employees Services Rules, 2013, and as per the said rules, A.P. Ministerial Service Rules, 1998 will be followed for filling up the post of Junior Assistant. It has further been submitted that as per the A.P. Ministerial Service Rules, the petitioner is fully eligible and qualified to be promoted to the post of Junior Assistant as there are many vacancies of Junior Assistants in the 2nd respondent-Corporation.

4. The learned Standing Counsel for the 2nd respondent has contended that the petitioner is not eligible for promotion to the post of Junior Assistant and that the appointment to the post of Junior Assistant has to be made only by way of direct recruitment method but not by way of promotion from the category of office subordinate.

5. Considering the rival submissions made by both the Counsel, without expressing any opinion on merits of the case, this Court feels it just and proper to dispose of the writ petition with a direction to consider the case of the petitioner as and when the 2nd respondent takes up the task of filling up of the vacancies of Junior Assistants.

6. Accordingly, the Writ Petition is disposed of with a direction to the 2nd respondent to consider the case of the petitioner as and when the task of filling up of the post of Junior Assistants is taken up, in accordance with the rules. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

23rd April, 2018
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23.4.2018

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