

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.36747 OF 2018

ORDER

With the consent of learned counsel on either side, the Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief:

“... to issue any appropriate Writ, Order or direction more in the nature of Writ of Mandamus:

- (a) to direct the respondent No.1 to consider the representation dated 2.8.2018 made by me to the respondent No.1 to issue necessary clarification with regard to fixing my seniority in all cadres i.e., Typist, Senior Assistant and Deputy Tahsildar, since the respondent No.3 vide proceedings No.A.1/3779/2016, dated 29.02.2018 fixed my seniority only in the cadre of Typist and not in other cadres such as Senior Assistant and Deputy Tahsildar etc., in pursuance of the clarification issued by the 1st respondent vide Memo No.9579/Ser.II(1)/2016-4, dated 6.11.2017 and also to direct the respondent No.3 to include my name in the panel of Naib Tahsildars for awarding promotion to the post of Tahsildar; and
- (b) to declare the action of the respondent No.1 in not considering the representation dated 2.8.2018 made by me to the respondent No.1 to issue necessary clarification with regard to fixing my seniority in all cadres i.e., Typist, Senior Assistant and Deputy Tahsildar, since the respondent No.3 vide proceedings No.A.1/3779/2016, dated 29.02.2018 fixed my seniority only in the cadre of Typist and not in other cadres such as Senior Assistant and Deputy Tahsildar etc. in pursuance of the clarification issued by the 1st respondent

vide Memo No.9579/Ser.II(1)/2016, dated 6.11.2017 and also in not directing the respondent No.3 to include my name in the panel of Naib Tahsildars for awarding promotion to the post of Tahsildar as illegal, arbitrary and violation of Articles 14 and 16 of the Constitution of India and pass such further or order orders as the Hon'ble Court may deem fit and proper in the circumstances of the case."

Heard Sri V.Ravi Kiran Rao, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for respondents.

It is the case of the petitioner that initially, he was appointed as a Chainman in the office of the Mandal Revenue Officer, Bazarhathnoor, *vide* proceedings dated 10.8.90. Thereafter, he was promoted as Typist, Mandal Revenue Inspector (Senior Assistant) and Deputy Tahsildar, on 7.9.2001, 21.4.2006 and 22.5.2013 respectively.

The grievance of the petitioner is that though the State Government *vide* Memo dated 06.11.2017 clarified that as per Rule ((1)(b) of Ministerial Service Rules, 1996, every person appointed to any post either by promotion or transfer (not by transfer on tenure) shall, from the date on which he commences his probation, be on probation for a period of one year on duty within a continuous period of two years, but he was not extended the said benefit in the cadre of Senior Assistant and Deputy Tahsildar. Hence, he submitted a

representation dated 2.8.2018 to the respondents to extend the benefit issued in Memo dated 6.11.2017.

Learned Government Pleader for Revenue appearing for the respondents contends that the case of the petitioner will be considered in terms of Memo dated 6.11.2017 by taking into consideration his representation dated 2.8.2018.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that ends of justice would be met if a direction is given to the respondents to consider the representation dated 2.8.2018 of the petitioner.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the representation made by the petitioner on 2.8.2018 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

11th October, 2018

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