

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.8717 of 2002

ORDER:

The petitioners who worked as Asst.Depot Clerks/Controllers in the respondent corporation filed the present writ petition being aggrieved by the proceedings No.P2/255(5)/2001-RM:MBNR, dated 19.04.2002 of the 2nd respondent, whereby the petitioners were reverted to the post of Conductors by recasting their seniority in the Mahabubnagar Division.

Heard both sides.

The 1st petitioner was initially joined as Conductor in the respondent corporation on 06.11.1976 at Barkatpura Depot and subsequently transferred to Mahabubnagar Region in the year 1976. The 2nd petitioner was initially joined as Conductor in the respondent Corporation on 18.08.1976 at Charminar Depot and he also transferred to Mahabubnagar Region in the year 1976. The seniority of both the petitioners was reckoned from the date of their joining in service. In the seniority list of Gr.II Conductors, the 1st petitioner was placed at Sl.No.21 and the 2nd petitioner was placed at Sl.No.15. Accordingly, the petitioners were promoted to the post of Assistant Depot Clerk/Controller as per recommendations of the Selection Committee and they were discharging as such since 03.10.1991. While so, the 2nd respondent issued the impugned proceedings, dated 19.04.2002, reverting the petitioners to the post of Conductors, stating that by mistake, the petitioners were given promotion by reckoning their seniority from the date of their joining in service. The respondents stated that the petitioners while working at Barkatpura Depot and Charminar Depot, they made request transfer to

Mahabubnagar Division subject to relinquish their previous seniority, and accordingly, they were transferred to Mahabubangar Division as Conductors afresh and their seniority should be reckoned from the date of their joining duty at Mahabubnagar Division. But inadvertently, the Selection Committee of the Corporation, taken into account the seniority of the petitioners from the date of their initial joining, recommended for their promotion as Asst.Depot Clerks/Controllers.

The seniority list of Conductors Gr.II of Mahabubnagar Division was prepared on 01.08.1989 and the petitioners were given promotion in the year 1991 basing on the said seniority list. Since 1991 the petitioners were continuing in the promotional posts. After lapse of more than 10 years, the 2nd respondent Corporation issued the impugned proceedings, which is arbitrary and illegal.

This Court, vide orders, dated 30.04.2002, while admitting the writ petition, by taking into consideration the fact that the petitioners were continuing in the promotional posts for the last ten years, stayed the impugned order. As no counter is filed, the said interim order was made absolute, vide orders dated 13.06.2002.

During pendency of this writ petition, WPMP No.2549/2009 was filed seeking to close the writ petition in so far as the 1st petitioner is concerned, on the ground that the 1st petitioner retired from service on attaining age of superannuation and he is not willing to press the writ petition. Accordingly, the writ petition was closed against the 1st petitioner, vide orders dated 11.02.2009, making it clear that pendency of the writ petition does not preclude the respondents from paying the retiral benefits, which are due to the 1st petitioner.

It is brought to the notice of the court that pursuant to the interim orders, the 2nd petitioner was continued in the promotional post and he also retired from service on attaining the age of superannuation and terminal benefits are also settled in the meanwhile.

In view of the successive events occurred in the case, and in view of the interim order, dated 30.04.2002, no orders need be passed in the present writ petition.

Accordingly, the Writ Petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 13.07.2018
Dsr



M.GANGA RAO,J