

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.23631 of 2016

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

This writ petition arises out of the order dated 29.03.2016 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.1103 of 2016.

2. The said O.A. was filed by the petitioner herein assailing the action of the respondent authorities in not preparing the inter se seniority list of Assistant Commissioners working in the Endowments Department for the purpose of effecting promotions to the category of Deputy Commissioners and in appointing the third respondent herein as a Joint Executive Officer contrary to the statutory provisions. He sought a consequential direction to the respondent authorities to prepare the inter se seniority list as prayed for by him and to effect promotions to the posts of Deputy Commissioner, Endowments, accordingly. By the order dated 29.03.2016, the Tribunal dismissed the O.A. on the ground that the petitioner/applicant was seeking to project a public interest litigation in relation to the appointment of the third respondent.

3. Sri V.Ravichandran, learned counsel for the petitioner, fairly concedes before this Court that insofar as the prayer to prepare the inter se seniority list of Assistant Commissioners is concerned, the same cannot be undertaken by the respondent authorities at this stage due to the *status quo* order passed by this Court in another writ petition and also the order of *status quo* passed by the Supreme Court. The learned counsel would further state that he has no continuing grievance with regard to the appointment of the third respondent as a Joint Executive Officer.

4. We find that the third respondent, despite service of notice, has not chosen to enter appearance before this Court. In any event, as the learned counsel for the petitioner has stated that he has given up his prayer in the O.A. as to the appointment of the third respondent, the issue need not trouble us any further.

5. As we are now informed that the respondent authorities are not in a position to take up the finalization of the inter se seniority list in the cadre of Assistant Commissioners in the Endowments Department but we are also informed that the posts of Deputy Commissioners, Endowments, are feeder categories in the channel of further promotion, it would not be open to the respondent authorities to exercise arbitrary discretion in making appointments to these feeder category posts on adhoc/temporary/incharge/full additional charge basis.

6. We accordingly direct the respondent authorities to make appointments to the posts of Deputy Commissioners, Endowments, be it on adhoc/temporary/incharge/full additional charge basis until finalization of the inter se seniority list in the cadre of Assistant Commissioners, only from amongst the approved probationers in the feeder categories in terms of Rule 3 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Service Rules, 2002, and after conducting departmental promotion committee meetings through the competent authority to ascertain the eligibility, seniority and merit of the candidates concerned to be given such adhoc/temporary/incharge/full additional charge appointments in terms of the Rules governing their service conditions.

7. With the above directions, the writ petition is disposed of.
8. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

M. GANGA RAO, J

Date: 11.12.2018
GHN

