

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5608 OF 2002

ORDER:

This writ petition is filed seeking Writ of Mandamus declaring the action of the respondent in not promoting the petitioner as Catering Officer as bad in law and to declare the Memo No. Nil, dated 7.3.2002 issued by the respondent as illegal and bad in law and consequently to hold that the petitioner is entitled to be promoted as Catering Officer. A consequential direction is sought to the respondent to promote the petitioner as Catering Officer with effect from 1998 with all consequential benefits.

Heard Sri K.Lakshmi Narasimha, learned counsel for the petitioner and Sri B.Rajeswar Reddy, learned Standing Counsel for the respondent.

It is contended by the petitioner that he was initially appointed as Lower Division Clerk in Tirumula Tirupathi Devasthanam on 10.6.1970. Subsequently, he was promoted as Assistant Catering Officer and Deputy Catering Officer on 21.6.1983 and on 29.12.1993 respectively. He is fully eligible and qualified to be promoted to the post of Catering Officer as he has completed five years of service in the feeder category of Deputy Catering Officer, as per the rules issued under G.O.Ms.No.1060, dated 20.4.1989. When the case of the petitioner had not been considered for promotion to the post of Catering Officer, he had filed W.P.No.23737 of 1999 and at the stage of admission, this Court had granted an interim direction to consider his case for promotion to the post of Catering Officer. After filing of

C.C.No.1419 of 2000 on 16.10.2000, when the respondent had issued proceedings dated 15.2.2000 without giving him any promotion, the petitioner was constrained to file another C.C. No.1765 of 2001. Then the respondent had convened Departmental Promotion Committee meeting on 5.2.2001 to consider promotions to the post of Catering Officer. In fact, the Departmental Promotion Committee which met on 5.2.2001 had not recommended anybody to the post of Catering Officer. Thereafter, the respondent had issued a charge memo to the petitioner on 21.11.2001. The charges leveled against the petitioner were dropped in the year 2002. He retired from service on 31.3.2002 on attaining the age of superannuation.

The only grievance of the petitioner is that since there were no charges pending on 5.2.2001, the date on which the Departmental Promotion Committee met and the charge memo had been issued to him only on 21.11.2001, his case ought to have been considered for promotion to the post of Catering Officer.

Learned counsel for the petitioner would contend that as the charges were dropped, the petitioner is eligible and entitled for notional promotion with all consequential benefits.

Learned Standing Counsel appearing for the respondent would contend that the Departmental Promotion Committee met on 5.2.2001 and in fact, the Departmental Promotion Committee has not recommended any of the candidates for promotion to the post of Catering Officer. Further, since the case of petitioner was deferred because of pendency of the Charge Memo, the writ petition may be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that as the Departmental Promotion Committee has not recommended the case of

the petitioner, which met on 5.2.2001, there cannot be any direction to the respondent to consider the case of the petitioner for promotion notionally.

In view of the same, as the writ petition is devoid of merits, it is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated : 04-09-2018

Slk



THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



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Dated:04/09/2018

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