

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No.40836 OF 2017

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

This writ petition was filed by a third party to O.A.No.3015 of 2011 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. The said O.A. was filed by the first respondent herein with the following prayer:

“Application filed under Section 19 of the Administrative Tribunals Act, 1985 praying this Tribunal to declare the action of the respondents in not including the name of the applicant in the final seniority list of Prohibition and Excise Sub Inspectors of Kurnool Zone issued in Proc.Rc.No. A2/207/2007, dated 21-4-2011 by the 2nd respondent without taking into consideration the revised date of promotion of the applicant issued in Proc.Rc.No.A2/107/2007, dated 26-3-2011 is as illegal, arbitrary, unjust and subversive of Articles 14, 16 and 21 of the Constitution and consequently the applicant is entitled for inclusion of his name in the final seniority list of Prohibition and Excise Sub Inspectors of Kurnool Zone after duly taking into consideration the revised date of promotion assigned to the applicant in the category of Prohibition and Excise Sub Inspectors vide Proc.Rc.No. A2/107/2007, dated 26-3-2011 with all consequential benefits including further promotion to the post of Prohibition and Excise Inspector.”

By order dated 12.09.2014, the Tribunal allowed the O.A. and directed the authorities to include the name of the first respondent/applicant in the seniority list of Prohibition and Excise Sub-Inspectors, Kurnool Zone, by taking into consideration his revised date of promotion, i.e., 11.02.2009, and thereafter consider his case for promotion to the post of Prohibition and Excise Inspector by applying the

rule of reservation in the panel year 2008-09 with all consequential benefits.

The petitioner herein, being a Sub-Inspector of Prohibition and Excise, belonging to Scheduled Caste community, filed this writ petition apprehending that consequent to the order passed by the Tribunal, the first respondent/applicant would steal a march over him in the seniority list of Prohibition and Excise Sub-Inspectors.

By order dated 04.12.2017, this Court granted interim suspension of the order passed by the Tribunal. W.V.M.P.No.5174 of 2017 was filed by the first respondent/applicant to vacate the said order.

Heard Sri Ravi Kondaveeti, learned counsel for the petitioner, Sri P.Narasimha, learned counsel for the first respondent/applicant, and the learned Government Pleader for Services, State of Andhra Pradesh, for the authorities.

Upon perusing the record and taking into account the submissions made by the learned counsel, we find that there is no dispute amongst them as to the fact that the first respondent/applicant was promoted as a Prohibition and Excise Sub-Inspector against roster point No.83, reserved for Scheduled Tribe, from the feeder category of Junior Assistants. It appears that roster point No.33 reserved for Scheduled Tribes was filled up by appointing one B.Murali Mohan, a Scheduled Tribe Junior Assistant, who is senior to the first respondent/applicant.

Sri P.Narasimha, learned counsel for the first respondent/applicant, concedes that his client, though he had contended before the Tribunal that roster point No.33 was not filled up and that he can lay a claim to the same, does not aspire to roster point No.33 at this point of time and his promotion was against roster point No.83 only.

In that view of the matter, the authorities are directed to consider the seniority of the first respondent/applicant in the combined seniority list in terms of his promotion against roster point No.83 and deal with his case accordingly in so far as further promotions are concerned.

The writ petition is disposed of accordingly.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

Date: 18.04.2018
PGS

N. BALAYOGI,J

