

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

WRIT PETITION NO.47051 OF 2018

ORDER: (per SK,J)

The petitioner is the unsuccessful applicant in O.A.No.2622 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, which was dismissed by order dated 18.12.2018. His prayer therein was to declare the action of the Regional Joint Director of Women Development and Child Welfare, Ongole, Prakasam District, in not considering his case for promotion to the post of Superintendent while considering the candidature of his junior, the fourth respondent in the O.A., as illegal. He sought a consequential direction to the authorities to consider his case for promotion to the said post with effect from the date his junior, the fourth respondent, was promoted, along with all consequential benefits. By the order under challenge, the Tribunal took note of the fact that the appeal filed by the petitioner-applicant was still pending consideration and therefore, he had no cause to approach it during the pendency of the said appeal. The O.A. was accordingly dismissed leaving it open to the petitioner-applicant to raise all points before the appellate authority.

It is not in dispute that the petitioner filed an appeal on 13.11.2018 before the appellate authority, viz., the Special Commissioner, Women Development and Child Welfare, State of Andhra Pradesh, the second respondent, in relation to the overlooking of his candidature and also the promotion of his juniors, one of whom is the fourth respondent. No doubt, the appellate authority would have time, as per the relevant rule, to dispose of the subject appeal but given the fact that the petitioner-applicant was overlooked in the course of the promotions made to the

post of Superintendent, notwithstanding the fact that the disciplinary proceedings against him were dropped, the appellate authority ought to have been more mindful and sensitive to his case.

The writ petition is accordingly disposed of directing the appellate authority, the second respondent herein, to take up the pending appeal of the petitioner received on 13.11.2018 and dispose of the same. This exercise shall be concluded expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

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

Date:27.12.2018

GJ



SANJAY KUMAR,J

M.GANGA RAO,J