

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.199 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of the learned counsel for both parties.

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Sub-Inspector of Police (Civil) by implementing the orders of the Honourable Tribunal in O.A.No.8986 of 2011 dated 24.02.2012, which was confirmed by this Court in W.P.No.2606 of 2013 dated 15.04.2013, though the petitioner is fully eligible and qualified for promotion to the post of Sub-Inspector of Police (Civil) as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and sought a consequential direction to the respondents to consider the case of the petitioner for promotion to the post of the Sub-Inspector of Police (Civil) with all consequential benefits by implementing the orders of the Honourable Tribunal in O.A.No.8986 of 2011 dated 24.02.2012, which was confirmed by this Court in W.P.No.2606 of 2013 dated 15.04.2013.

Heard Sri D. Balakishan Rao, learned counsel for the petitioner, and the learned Special Government Pleader for Home appearing for the respondents.

It has been contended by the petitioner that he is fully eligible and qualified to be promoted to the post of Sub-Inspector of Police (Civil).

The petitioner also contended that when his case was not considered, he has filed O.A.No.8986 of 2011 before the Andhra Pradesh Administrative Tribunal at Hyderabad and the same was allowed vide orders dated 24.02.2012. Aggrieved thereby, the respondents have filed W.P.No.2606 of 2013 and this Court was pleased to dismiss the said writ petition on 15.04.2013 confirming the orders passed by the Tribunal in O.A.No.8986 of 2011.

The grievance of the petitioner is that though the orders passed by the Tribunal were confirmed by this Court way back in 2013 itself, the respondents are not complying with the orders passed by the Tribunal as well as this Court.

Learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to comply with the orders passed by the Tribunal in O.A.No.8986 of 2011 dated 24.02.2012.

Learned Special Government Pleader appearing for the respondents had contended that against the orders passed by this Court in an identical case, a Review Petition was filed and due to pendency of the said Review Petition, the respondents are not in a position to comply with the orders passed by the Tribunal in O.A.No.8986 of 2011 dated 24.02.2012.

Learned counsel appearing for the petitioner has brought to the notice of this Court that in identical set of circumstances in respect of one B.Veera Reddy, the respondents have complied with similar orders

passed by the Tribunal in identical situations vide proceedings dated 24.12.2018 and the said compliance was subject to outcome of the orders in Review Petition preferred by the respondents i.e., in W.P.M.P.No.8725 of 2013 in W.P.No.21820 of 2010. Learned counsel for the petitioner also contends that let the respondents also comply with the orders passed by the Tribunal in O.A.No.8986 of 2011 dated 24.02.2012 as it was done in the case of Sri B.Veera Reddy.

This Court, having considered the rival submissions made by learned counsel for the respective parties, is of the considered view that the respondents have complied with identical directions issued by the Tribunal in respect of B.Veera Reddy vide proceedings dated 24.12.2018, therefore, similar benefit be extended in favour of the petitioner and the writ petition can be disposed of with a direction to the respondents to comply with the orders passed by the Tribunal in O.A.No.8986 of 2011 dated 24.02.2012 subject to the conditions as set out in respect of B.Veera Reddy.

Accordingly, the writ petition is disposed of directing the respondents to comply with the orders passed by the Tribunal in O.A.No.8986 of 2011 dated 24.02.2012 as was done in the case of B.Veera Reddy, within a period of three months from the date of receipt of a copy of this order. No costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J