

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2018 of 2019

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents 1 and 3 in not considering promotion of the petitioner to the post of Assistant Engineer (Water works branch) as was done in the case of others, keeping in view the 13 years of service rendered by him as Operator, which was subsequently upgraded as Mechanic, as illegal, arbitrary, discriminatory and unconstitutional and sought a consequential direction to the respondents to promote the petitioner as Assistant Engineer (Water works Branch) by taking into consideration the 13 years of service rendered by the petitioner as Operator, which was subsequently upgraded as Mechanic.

Heard Sri G. Bhanu Priya, learned counsel for the petitioner, learned Government Pleader for Endowments appearing for the respondents 1 and 2 and Sri K. Jagan Mohan Reddy, learned Standing Counsel for the 3rd respondent.

It has been contended by the petitioner that he was initially appointed as an NMR in the 3rd respondent Devasthanam. Thereafter, in the year 2000, his services were regularized as Helper, which was subsequently converted as Operator. The petitioner further submits that since the post of Operator has been upgraded as Mechanic by the 2nd respondent vide proceedings dated 24.08.2018, the petitioner was promoted as Mechanic. As per the Rules, the petitioner is entitled and eligible for promotion to the post of Assistant Engineer. As per the recruitment Rules, the post of Assistant Engineer is liable to be filled up by way of direct recruitment as well as promotion. As far as promotion

method is concerned, in order to be qualified for promotion, apart from possessing requisite qualifications, one should put in 10 years of service in the cadre of Mechanic. Since the post of Operator has been upgraded to that of Mechanic by the 2nd respondent, that upgradation has to be considered from the date of appointment as an Operator and 13 years of service rendered by the petitioner in the cadre of Operator to be treated as Mechanic for the purpose of promotion to the post of Assistant Engineer, since the post of Operator has been upgraded to that of Mechanic.

Learned Government Pleader appearing for the respondents submits that the case of the petitioner will be considered for promotion to the post of Assistant Engineer by duly taking into account the proceedings issued by the 2nd respondent on 24.08.2018 and appropriate orders would be passed.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a detailed representation to the 3rd respondent seeking promotion to the post of Assistant Engineer, within two weeks from the date of receipt of a copy of this order and, upon receipt of such representation, the 3rd respondent shall consider the same and pass appropriate orders in accordance with law, within a period of four weeks thereafter.

With the above observations, the writ petition is disposed of. No costs. Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J