

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.5451 of 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both parties.

2. This Writ Petition is filed seeking Writ of Mandamus declaring the action of the respondents in not finalizing the case of the petitioners for awarding notional seniority and promotion to the posts of Armed Reserve Head Constables (for short 'ARHCs') with effect from 04-11-2012 based on the recommendations made by the 6th respondent vide detailed proposals dated 26-10-2018 and 28-11-2018 and also in proceedings dated 04-03-2019 and thereby denying the petitioners to undergo pre-promotional training fit to act as A.R. S.Is. while deputing the persons who are appointed subsequent to the petitioners in the cadre of A.R. P.Cs. and also deputed for training for Head Constables subsequent to them as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and sought consequential direction holding that the petitioners are entitled for deputation for Pre-promotional training fit to act as A.R. S.Is. along with others who were deputed vide proceedings dated 07-03-2019 by taking into consideration the recommendations made by the 6th respondent for awarding notional promotion to the petitioners in the cadre of ARHCs. vide detailed

proposals dated 26-10-2018, 28-11-2018 and 04-03-2019 with all consequential benefits.

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

4. It has been contended by the petitioners that they are initially recruited as Police Constables in AR. Some of them working in A.P. State Police (APSP) were recruited by transfer. Further the Police Constables, who were initially recruited in APSP, were promoted during 2012 ahead of the petitioners as Head Constables and the petitioners were promoted as Head Constables in the year 2015.

5. The petitioners have submitted series of representations to the 6th respondent requesting to grant notional promotion on seniority basis on par with Police Constables, who were recruited by transfer as AR Police Constables and the 6th respondent was pleased to agree in favour of the petitioners and recommended the proposals to the 1st respondent for granting notional promotion on seniority basis vide proceedings dated 26-10-2018 and 28-11-2018 and 04-03-2019.

6. The grievance of the petitioners is that the proposals submitted by 6th respondent are pending before the 1st respondent for consideration and even before the decision to be taken by the 1st

respondent, on the proposals submitted by the 6th respondent, the respondents are sending batch of Head Constables for pre-promotional training ignoring cases of the petitioners.

7. In those circumstances, petitioners filed the Writ Petition contending that the petitioners also be sent for pre-promotional training by duly taking into account the recommendations made by the 6th respondent and petitioners be granted notional promotion on seniority basis with effect from 04-11-2012 and further sought a direction to the 1st respondent to pass appropriate orders on the proposals submitted by the 6th respondent.

8. Learned counsel for the petitioners submitted that appropriate orders be passed in the Writ Petition directing the 1st respondent to dispose of the recommendations made by the 6th respondent on 26-10-2018, 28-11-2018 and 04-03-2019 within a reasonable period of time.

9. Learned Special Government Pleader for Home, appearing for the respondents, has submitted that 6th respondent had submitted proposals recommending the cases of petitioners for grant of notional promotion on seniority basis from 04-11-2012 and the same is pending before 1st respondent. He further contends that in view of the election, the 1st respondent is not in a position to pass orders on the recommendations made by the 6th respondent,

however, submitted that 1st respondent would consider the recommendations made by the 6th respondent and pass appropriate orders within a period of four weeks.

10. This Court, having considered the rival submissions made by the parties, is of the view that the Writ Petition can be disposed of by directing the 1st respondent to consider the recommendations made by the 6th respondent on 26-10-2018, 28-11-2018 and 04-03-2019 and pass appropriate orders in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order. The entitlement of the petitioners for being sent on pre-promotional training would depend on the decision to be taken by the 1st respondent.

11. With these observations, the Writ Petition is disposed of. No costs.

12. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 19-03-2019
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