

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.29360 OF 2014

ORDER:

This writ petition is filed seeking a writ of Mandamus, declaring the action of the respondents in issuing impugned proceedings dated 23.09.2014, reverting the petitioner to lower cadre as Section Writer from L.D.Steno, as illegal, arbitrary, untenable, contrary to the A.P.C.C.A.Rules, contrary to the by-laws, dated 17.02.2004, and violative of Articles 14, 16 and 21 of the Constitution of India and set aside the same.

Heard learned counsel for the parties.

It has been contended by the petitioner that initially he was appointed as Section Writer on 06.07.1995 and he has been discharging his duties to the best satisfaction of his superiors and every one concerned. The petitioner further submitted that he was appointed by transfer as L.D.Steno on 23.01.2005 with a condition that he should acquire Shorthand Lower Grade and Typewriting Higher Grade within two years, but he could not acquire the requisite qualifications within prescribed time. The petitioner also submitted that for promotion to the post of Junior Assistant, there is no requisite condition to acquire any additional qualifications, therefore, his case for promotion to the post of Junior Assistant can be considered, as he is fully eligible and qualified to be promoted to the post of Junior Assistant.

Counsel for the petitioner submitted that there is no channel for promotion to the post of L.D. Steno from the post of Section Writer and, in spite of the same, the petitioner was promoted as L.D. Steno. Counsel for the petitioner further submitted that the nature of the duties performed by the petitioner is that of Junior Assistant and when the petitioner was continued as L.D Steno, the Executive Director of the 3rd respondent Society had, in fact, recommended the case of the petitioner during September, 2010, for conversion from L.D Steno to that of Junior Assistant, but without considering the said recommendation, the 2nd respondent had issued the impugned reversion order. Counsel for the petitioner also submitted that since there are existing vacancies of Junior Assistants with the respondents, let the respondents consider the case of the petitioner for promotion to the post of Junior Assistant, instead of L.D.Steno, in any one of the existing vacancies of Junior Assistants. Therefore, counsel for the petitioner submitted that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Junior Assistant by duly taking into account the recommendations made by the Executive Director during September, 2010 and pass appropriate orders.

Standing Counsel appearing for the respondents had contended that the case of the petitioner would be considered for promotion to the post of Junior Assistant and appropriate orders would be passed in accordance with Rules.

This Court, having considered the rival submissions of learned counsel for the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Junior Assistant by duly taking into account the recommendations made by the Executive Director during September, 2010 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

13th August 2019
v v

