

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.5915 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“.... to issue Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Deputy Executive Engineer under SC (W) quota against which no Women SC is promoted so far and promotion to the further cadres and failure to follow the rule of reservation provided in G.O.Ms.No.5 Social Welfare (SW ROR.1) Dept dated 14.2.2003 and not preparing year wise panels for each category along with Rule of reservation as illegal, arbitrary, discriminatory and contrary to Articles 14 and 16 of the Constitution of India and direct the respondents to prepare the year wise panels for each category along with Rule of reservation as per Rule 6 for filling up the posts of DEE by promotion taking into account the Rule of Reservation as per Rule 22 of the AP State and Subordinate Service Rules under SC (W) quota by reviewing the promotions under SC quota to the cadre of DEE and further cadre with all consequential benefits in the interest of justice on par with her Juniors”.

Heard Mr.M.Patna Reddy, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that she has been appointed as Assistant Executive Engineer on 03.02.2001 pursuant to the Notification issued by the Public Service Commission and ever since then, she has been discharging her duties as Assistant Executive Engineer without any complaint to the best satisfaction of her superiors and every one concerned.

The grievance of the petitioner is that the State Government has taken a policy decision to implement reservations in the matters of promotion vide G.O.Ms.No.5 dated 14.02.2003 and since the petitioner is a member belonging to scheduled caste community, she is entitled for promotion to the post of Deputy Executive Engineer in terms of G.O.Ms.No.5 dated 14.02.2003.

The petitioner further contended that the State Government has taken a policy decision to extend reservation where the cadre strength is more than five. Admittedly, the cadre strength in the post of Deputy Executive Engineer is more than five and therefore, the respondents are bound to implement reservations in the matters of promotion in terms of G.O.Ms.No.5 dated 14.02.2003. Therefore, the petitioner has submitted representation to the 2nd respondent on 05.10.2018. But, the 2nd respondent has neither disposed of the said representation nor considered her case for promotion to the post of Deputy Executive Engineer.

Learned counsel appearing for petitioner has contended 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 Deputy Executive Engineer strictly in terms of G.O.Ms.No.5 dated 14.02.2003 and pass appropriate orders on the representation submitted by the petitioner.

Learned Government Pleader appearing for respondents has contended that the case of the petitioner will be considered and appropriate orders would be passed on the representation submitted by the petitioner.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the 2nd respondent to consider the representation submitted by the petitioner on 05.10.2018 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. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 17-04-2019
Prv



