

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5193 of 2018

ORDER:

This writ petition is filed challenging the action of the respondents in not promoting the petitioner to the post of Senior Assistant.

Learned counsel for the petitioner submits that the petitioner is originally employed as Junior Assistant in Allwyn Company and after closure of Allwyn Company, the petitioner was posted in the 1st respondent's office-The Director of Public Health & Family Welfare and later he was posted in the office of the Director of Medical Education, Hyderabad. He further contends that consequent upon the bifurcation of erstwhile State of Andhra Pradesh into State of Telangana and the State of Andhra Pradesh, petitioner was allotted to the State of Andhra Pradesh. Challenging the said allotment, petitioner has filed W.P.No.7161 of 2017 and this Court vide order dated 01.03.2017 was pleased to grant interim suspension as prayed for. By virtue of the said interim order, the petitioner was continued in the State of Telangana. But the grievance of the petitioner is that though the petitioner was continued in the State of Telangana, the case of the petitioner was not considered for further promotion to the post of Senior Assistant and the respondents are considering many of his Juniors for promotion to the post of Senior Assistant. Therefore, counsel for the petitioner contends 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 Senior Assistant as per the Seniority list.

Learned Government Pleader appearing for the respondents submits that the petitioner is continued in the State of Telangana by virtue of interim order passed by this Court vide order dated 01.03.2017, though he was allotted to the State of Andhra Pradesh. Until and unless the writ petition filed by the petitioner challenging his allotment to the State of Andhra Pradesh is adjudicated, the case of the petitioner cannot be considered for promotion to the post of Senior Assistant.

This Court, having considered the rival submissions made by the learned counsel on either side, is of the considered view that petitioner is continuing in the State of Telangana by virtue of interim order granted by this Court vide order dated 01.03.2017 in W.P.No.7161 of 2017 and until the final allotment of the petitioner is not decided, petitioner's case cannot be considered for promotion in the State of Telangana. If the petitioner's case has to be considered for promotion in the State of Telangana, the seniority of the persons who are working in the State of Telangana has to be taken into account. Even otherwise, if the petitioner succeeds in the Writ Petition i.e. W.P.No.7161 of 2017, wherein the petitioner has challenged his final allotment to the State of Andhra Pradesh, then the case of the petitioner can be considered for promotion in the State of Telangana, as the promotion of petitioner would be the consequent relief.

In view of the above, this Court is not inclined to interfere with the impugned order and accordingly, the writ petition is dismissed. No order as to costs.

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

ABHINAND KUMAR SHAVILI, J

16.07.2019
dv

