

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6991 of 2019

ORDER:

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

2. This Writ Petition is filed seeking Writ of Mandamus declaring the action of respondents in not promoting him to the post of Deputy Chief Accounts Officer with effect from 26-12-2006 as illegal, arbitrary, contrary to the provisions of APSRTC (Recruitment) Regulations, Rule of Reservation and also contrary to the fundamental rights guaranteed under the Constitution of India and consequential direction to direct the respondents to promote the petitioner as Deputy Chief Accounts Officer with all service attendant benefits and arrears thereof.

3. Heard Sri A.Jagan, learned counsel for the petitioner and Sri B.Mayur Reddy, learned Standing Counsel for TSRTC, appearing for the respondents.

4. It has been contended by the petitioner that he was appointed as Junior Assistant during May 1998 and presently he is working as Accounts Officer. The petitioner belongs to Schedule Tribe community. The respondents have extended reservations even in the matter of promotions. He further contends that the reservations in the matter of promotions are being extended in the cadre holding

the post for more than five years. He further submits that the next promotional post is Deputy Chief Accounts Officer. The respondents have effected promotions in respect of eight such candidates and if rule of reservation even in the matter of promotions is to be applied, then the case of the petitioner ought to have been considered. But the respondents have not considered his case by extending rule of reservations in the matter of promotion. However, the petitioner further submits that he has submitted series of representations to the respondents, finally on 31-01-2019, but the respondents are neither passing any orders on the representations nor considering his case for promotion to the post of Deputy Chief Accounts Officer.

5. Therefore, learned counsel for the petitioner contended that appropriate orders be passed in the Writ Petition directing the respondents to consider the representations of the petitioner for promotion to the post of Deputy Chief Accounts Officer in terms of the Regulations.

6. Learned Standing Counsel for the respondents submits that the respondents have considered and passed appropriate orders on the representations submitted by the petitioner rejecting his case. If the petitioner is aggrieved by the said rejection order, he should challenge the said rejection orders. However, he further submits that the case of the petitioner would be considered and appropriate orders would be passed on the representations submitted by the petitioner, if not already passed.

7. This Court, having considered the rival submissions made by both the parties, is of the considered view that the Writ Petition can be disposed of directing the respondents to consider the representations submitted by the petitioner, finally on 31-01-2019, and pass appropriate orders in accordance with law, if not already passed, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above observations, the Writ Petition is disposed of. No order as to costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

Date: 02-04-2019
kvr