

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.7473 OF 2019

ORDER:

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

This writ petition is filed seeking a writ of Mandamus declaring the inaction of respondent Nos.1 and 3 in considering the petitioner's representation dated 28.03.2018 and passing appropriate orders giving effect to petitioner's promotion from clerical cadre to Officer Scale-I with effect from 24.10.2002 as per staff circular No.21 dated 19.11.2002 issued by the 2nd respondent herein and releasing all the consequential and monetary benefits with interest to the petitioner as Officer Scale-I with effect from 24.10.2002 till date, as illegal, arbitrary, malafide, unconstitutional, contrary to the regulations contained in Andhra Pradesh Grameena Vikas Bank (Officers and Employees) Service Regulations-2010 and to direct respondent Nos.1 and 3 to consider the petitioner's representation dated 28.03.2018 and pass appropriate orders forthwith giving effect to petitioner's promotion from clerical cadre to Officer Scale-I with effect from 24.10.2002 as per Staff Circular No.21 dated 19.1.2002 issued by the 2nd respondent and forthwith release all the consequential and monetary benefits with interest to the petitioner as Officer Scale-I with effect from 24.10.2002 till date.

Heard Mrs. S.Nanda, counsel for the petitioner, and Smt. V.Uma Devi, Standing Counsel for the respondents.

It has been contended by the petitioner that he was appointed as Clerk in the year 1986. The petitioner further contended that he was promoted to the post of Officer Scale-I vide proceedings dated 24.10.2002, but the 4th respondent has challenged the said promotion orders by filing W.P.No.23686 of 2002 and this Court vide interim order dated 26.11.2002 granted interim suspension of the promotion orders of the petitioner.

Counsel for the petitioner contended that finally the writ petition filed by the 4th respondent was dismissed as infructuous vide order dated 16.02.2018. Counsel for the petitioner further submitted that in view of dismissal of the writ petition preferred by the 4th respondent challenging the promotion order of the petitioner, the petitioner is entitled for promotion to the post of Officer Scale-I with effect from the date of initial promotion i.e., 24.10.2002 and based upon the said promotion, the petitioner be given entire benefits to which the petitioner is entitled. Learned counsel further submitted that when the respondents were not considering the case of the petitioner, the petitioner has submitted a representation to the respondents on 28.03.2018 requesting the respondents to give effect to his promotion as per staff Circular No.21 dated 19.11.2002 in view of dismissal of the writ petition preferred by the 4th respondent, but so far the respondents have not passed any orders on the said representation

nor considered the case of the petitioner for promotion to the post of Officer Scale-I with effect from 24.10.2002 and, therefore, counsel submitted that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 28.03.2018 and pass appropriate orders in accordance with law.

Standing Counsel appearing for the respondents had contended that all the benefits, such as seniority, consequential promotion etc., to which the petitioner is entitled, were given by way of Board's resolution and since the petitioner has already submitted a representation to the respondents, which is stated to be pending, the respondents would consider the said representation and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 28.03.2018 and pass appropriate orders in accordance with law, 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

07th November, 2019

v v