

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.7569 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 a Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the entire action of the respondents particularly the action of the respondents 1 and 2 in not considering the case of the petitioner for promotion to the post of Gr.I Hostel Welfare Officer, even though he is senior in all angles, within the zone of consideration, while considering names of his far juniors namely Sri B.Vinod Kumar and Sri A.Kishan Rao behind the back of the petitioner, in spite of making repeated representations dt.3.5.2017, 6.6.2017 and 1.8.2018 is as highly illegal, arbitrary, unjust, improper, colourable exercise of power, violative of all principles of natural justice, discriminatory and violative of seniority position mentioned vide Letter Rc.No.A1/ 9427/ KPMN/ 2009, dt.22.10.2009 and clarificatory Letter Rc.No.C/ 4036/ 2015 dt.20.1.2016 addressed by the 3rd respondent to 1st respondent and liable to be reviewed the promotions already made in contravention of seniority and rule position etc., and consequently to direct the respondents to forthwith to consider the case of the petitioner for promotion to the post of Gr.I Hostel Welfare Officer w.e.f. the day on which his immediate junior was considered behind the back of the petitioner vide proc Rc.No.A/ 1256/ 2015 dt.12.5.2017 by the 1st respondent with all consequential benefits by reviewing the earlier promotions made in the cadre of Gr.I HWOs by ignoring the case of the petitioner”.

Heard Mr.SSatyanarayana Rao, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is working as Grade-II Hostel Welfare Officer and he is fully eligible and qualified to be appointed to the post of Grade-I Hostel Welfare Officer.

The grievance of the petitioner is that though the respondents have prepared final seniority list on 22.10.2009 and he is placed at S.No.6, the respondents are not considering his case for promotion to the post of Grade-I Hostel Welfare Officer and on the other hand, the respondents have promoted his juniors. Therefore, he submitted representations to the respondents on 06.06.2017 and 01.08.2018. But, the respondents have neither disposed of the representations nor considered his case for promotion to the post of Grade-I Hostel Welfare Officer.

Learned counsel 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 Grade-I Hostel Welfare Officer while disposing of his representations.

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 representations submitted by the petitioner in accordance with law.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing the respondents to consider the representations submitted by the petitioner on 06.06.2017 and 01.08.2018 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.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 09-04-2019
Prv



