

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT APPEAL No.318 of 2019

Date: 23.04.2019

Between:

K. Surender

...Appellant

and

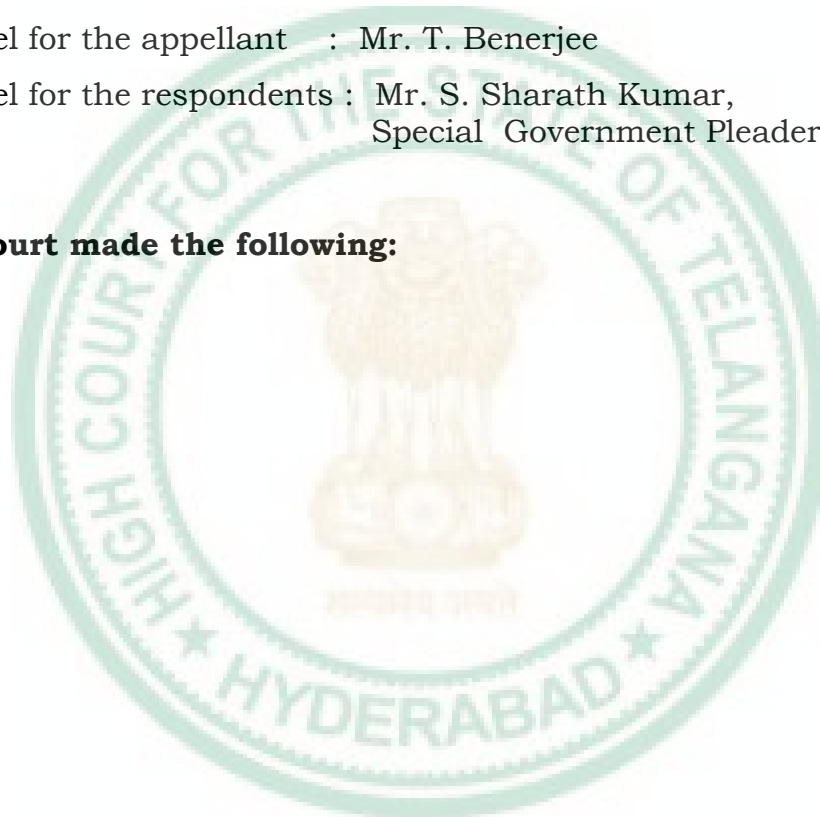
The Inspector General of Police and others.

...Respondents

Counsel for the appellant : Mr. T. Benerjee

Counsel for the respondents : Mr. S. Sharath Kumar,
Special Government Pleader

The Court made the following:



JUDGMENT: (Per the Hon'ble Sri Justice A. Rajasheker Reddy)

This writ appeal is filed against the order dated 27.02.2019 passed by a learned Single Judge in W.P.No.39753 of 2018, wherein the appellant has challenged the proceedings dated 03.10.2018 issued by the respondents preparing a panel of Assistant Reserve Sub-Inspectors for the purpose of promotion to the posts of Reserve Sub-Inspectors, *de hors* the provisions of law, on the basis of the provisional seniority list dated 22.02.2018, which is yet to be confirmed taking into account the objections dated 23.02.2018 filed against it under the Presidential Order issued under Article 371D of the Constitution of India.

Through the impugned order, the learned Single Judge has dismissed the writ petition, holding that in view of the publication of the final seniority list, the grievance of the appellant has been redressed.

Mr. T. Benerjee, the learned counsel for the appellant, submits that the preparation of the provisional seniority list dated 22.02.2018 itself is not in accordance with law; and though the appellant has filed objections to the said provisional seniority list, without considering the same, the final seniority list has been prepared and promotions were effected by the respondents, which is illegal. Therefore, the learned Single Judge is not justified passing the impugned order.

On the other hand, Mr. S. Sharath Kumar, the learned Special Government Pleader appearing for the respondents, submits that the appellant has not filed any objections, as has been asserted by him in the writ affidavit, and a counter-affidavit was also filed by the respondents stating that no objections, as

such, were filed to the provisional seniority list by the appellant. The learned Special Government Pleader has also brought to our notice that the appellant himself has stated in the writ affidavit that by virtue of note (a) of Rule 3 of the Andhra Pradesh Police (Special Police Battalions) Subordinate Service Rules, 1996, he is not entitled to claim Assistant Reserve Sub-Inspector (Armour) service for seniority purpose, as the said Rule is in conformity with the Presidential Order; and he has no grievance. As such, the learned Single Judge has rightly dismissed the writ petition holding that the final seniority list has been prepared and communicated.

The only grievance of the appellant, as is culled out in paragraph nine of the writ affidavit, is that his objections dated 23.02.2018, which were filed in pursuance of the provisional seniority list dated 22.02.2018 wherein his name is not found, were not considered and that the panel of Assistant Reserve Sub-Inspectors was prepared on 03.10.2018 and promotions to the posts of Reserve Sub-Inspectors were effected on the basis of the provisional seniority list, without there being any final seniority list.

Admittedly, the appellant has not filed any reply to the counter-affidavit filed by the respondents in the writ petition. Though a copy of the objections is filed in the material papers, there is no acknowledgment, as such, of the respondents. Moreover, the respondents have asserted that the final seniority list dated 29.10.2018 was prepared and promotions were effected on the basis of the said final seniority list. In view of the same, we

do not find any infirmity in the order passed by the learned Single Judge holding that the grievance of the appellant stood redressed.

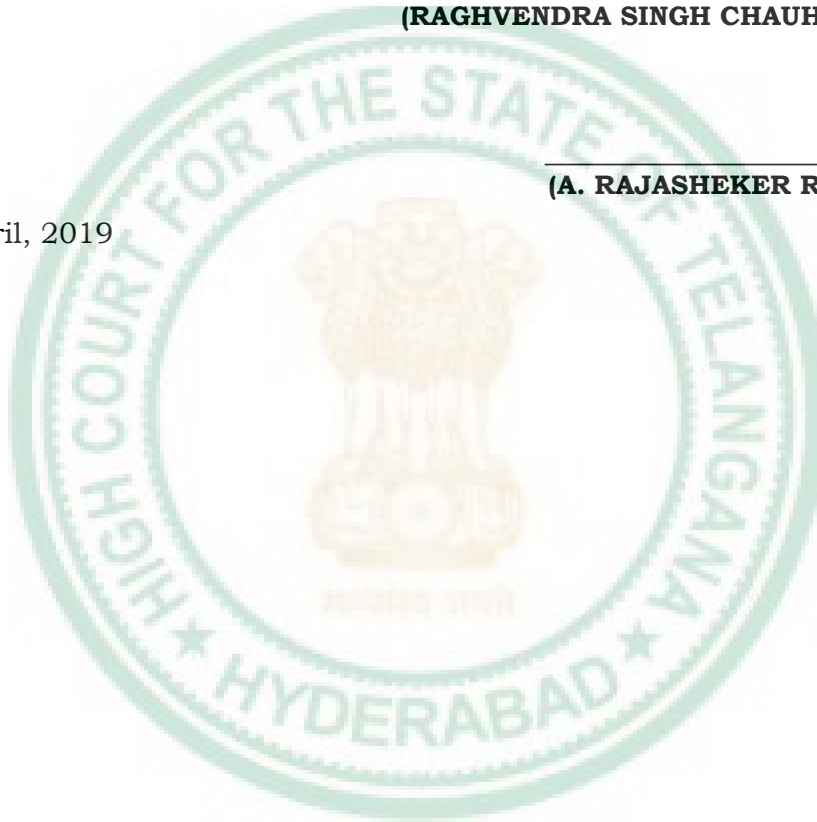
Therefore, the Writ Appeal is dismissed. However, liberty is granted to the appellant to challenge the final seniority list dated 29.10.2018, if he is so advised. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, ACJ)

(A. RAJASHEKER REDDY, J)

23rd April, 2019
JSU



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(Per the Hon'ble Sri Justice A. Rajasheker Reddy)

Date: 23.04.2019**JSU**