

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 Petition No.8830 of 2019

Date: 29.04.2019

Between:

K. Srinivasa Rao

...Petitioner

And

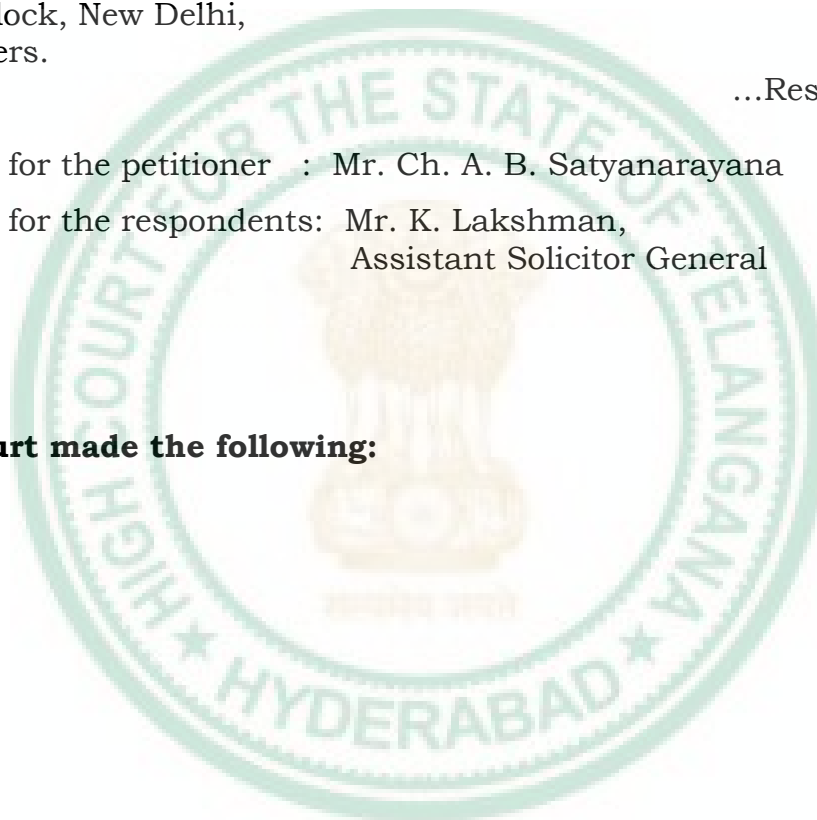
The Union of India, Rep.by its Secretary,
Ministry of Finance, Department of Revenue,
North Block, New Delhi,
and others.

...Respondents

Counsel for the petitioner : Mr. Ch. A. B. Satyanarayana

Counsel for the respondents: Mr. K. Lakshman,
Assistant Solicitor General

The Court made the following:



ORDER: (Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)

The petitioner in this writ petition has challenged the legality of the order dated 18.04.2019, passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'the Tribunal'), in O.A.No.1250 of 2018, whereby the learned Chairman has made the following observations:-

"Pending detailed examination on the issue, we direct that the consideration of the case of the applicant in compliance with the interim order dt. 29.01.2019 shall not be detrimental to the seniors in the unit and the interim order shall not be considered as basis for alteration of seniority."

By order dated 02.01.2019, the learned Tribunal has merely observed as under:-

"In view of the above, there shall be interim direction to the respondents to include the name of the applicant in the list of eligible candidates to the post of Assistant Commissioner in terms of the proceedings dated 03.08.2017 and in view of the afore-referred judgments."

The learned counsel for the petitioner pleads that the issue, whether the previous service rendered by the petitioner should be included while calculating his seniority or not, is well settled by a series of decisions passed by the other Benches of the learned Tribunal, as well as the judgments of the Hon'ble Supreme Court. On the basis of these judgments, the Government itself issued a letter dated 03.08.2017, whereby it has directed that the previous service shall be included for calculating the seniority of an employee. The learned counsel submits that the direction contained in letter dated 03.08.2017,

issued by the Government of India, has already been implemented in other Commissionerates, while it is not being implemented in the Hyderabad Commissionerate. Therefore, the petitioner continues to suffer. Moreover, since the case of the petitioner is not being decided by the learned Tribunal expeditiously, the petitioner continues to suffer for no fault of his.

Heard the learned counsel for the petitioner, and perused the impugned order.

A bare perusal of the orders, dated 02.01.2019 and dated 18.04.2019, clearly reveal that, by the latter order, merely a clarification has been given by the Tribunal that the interim order dated 02.01.2019, shall not be detrimental to the interests of the seniors in the unit, and would not form the basis for alteration of the seniority. Therefore, the order dated 18.04.2019, is merely clarificatory in nature, and does not modify the order dated 02.01.2019.

However, as the case deals with the interests of the petitioner and the respondents, and since the issue *prima facie* seems to be covered by the judgments passed by the principal bench of the Tribunal, and by the Hon'ble Supreme Court, no fruitful purpose would be served if the OA is kept pending for a long time. Therefore, this Court requests the

learned Tribunal to hear O.A.No.1250 of 2018 as expeditiously as possible.

With these directions, this writ petition stands disposed of.

The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, ACJ

A.RAJASHEKER REDDY, J

29.04.2019
vs

