

High Court for the State of Telangana

The Hon'ble The Acting Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Dr. Justice Shameem Akther

W.P. No.10130 of 2019

Date: 03-06-2019

Between:

A. Giridhar

...Petitioner

and

The Union of India,
Rep. by its Secretary
Ministry of Finance, Department of Revenue
North Block, New Delhi and 4 others

...Respondents

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

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

The Court made the following:

Order: (per Hon'ble The Acting Chief Justice Raghvendra Singh Chauhan)

The petitioner has challenged the legality of the common order dated 18-04-2019, passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'the Tribunal'), to the extent it relates to O.A.No.65 of 2019, 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 interim order dated 23-01-2019, in OA.No.65 of 2019, the learned Tribunal has merely observed as under:-

"There shall be interim direction to the respondents to include the names of the applicants 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, he 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 23-01-2019 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 23-01-2019, 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 interim order dated 23-01-2019.

However, as the case deals with the interests of both the petitioners 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 decide O.A.No.65 of 2019 within a period of four weeks from the date of receipt of certified copy of this order.

With these directions, this writ petition stands disposed of.

As a sequel, miscellaneous petitions, pending if any, stand disposed of as infructuous.

(Raghvendra Singh Chauhan, ACJ)

(Dr. Shameem Akther, J)

Dt: 3rd June, 2019
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