

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.9762 OF 2019

ORDER:

This Writ Petition is being disposed of with the consent of both the parties at the stage of admission.

This Writ Petition is filed seeking a Writ of Mandamus calling for the records relating to the impugned memo dated 20.10.2017 issued by the second respondent and memo dated 19.11.2018, referred in the impugned memo dated 01.12.2018 and its connected memo dated 01.12.2018 issued by the second respondent and to quash or set aside the same holding it as illegal, arbitrary, unjust, discriminatory and subversive of Articles 14, 16 and 21 of the Constitution of India and sought a consequential direction that the petitioners are entitled for sanction of Special Promotion Post Scale 1B on completion of 18 years of service under Automatic Advancement Scale with effect from the date on which the petitioners have completed 18 years of service in the post of Medical Officers/Lecturers during May, 2017 with all consequential benefits.

Heard Sri D. Balakishan Rao, learned counsel for the petitioners and learned Government Pleader for Medical & Health appearing for the respondents.

It has been contended by the petitioners that they were all appointed as Medical Officers and their services were regularised during February 2004. The petitioners submit that they completed 18 years of service during the year 2017 and they are entitled for 18 years of automatic advancement scales but the respondents had erroneously rejected their cases vide memo dated 01.12.2018

by relying on a memo dated 19.11.2018. Thereafter, the petitioners have submitted representations on 07.01.2019 and 12.02.2019 requesting the respondents to consider the cases of the petitioners and grant automatic advancement scales on completion of 18 years of service but, so far, the respondents have not passed any orders on the said representations. Therefore, the counsel for the petitioners contend that let the respondents consider the representations submitted by the petitioners on 07.01.2019 and 12.02.2019 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents has submitted that the respondents shall consider the representations of the petitioners dated 07.01.2019 and 12.02.2019 and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this Writ Petition can be disposed of directing the respondents to consider the representations dated 07.01.2019 and 12.02.2019 filed by the petitioners 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. It is needless to say that the respondents shall reconsider the cases of the petitioners without referring to the impugned rejection orders dated 01.12.2018.

With these observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

30th April 2019
RRB