

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.43589 OF 2016

ORDER

This writ petition is filed seeking the following relief:

“....to issue an order or direction more particularly one in the nature of Writ of Mandamus declare the action of the respondents in not considering the claim of the petitioners for promotion to the post of Panchayat Secretary Grade-II along with others even though the petitioners are fully eligible and qualified is illegal, arbitrary and unconstitutional and consequently direct the respondents consider the claim of the petitioners for promotion to the post of Panchayat Secretary Grade-II with effect from 31-08-2016 by declaring that their probation was declared in accordance with the Rule 18 of A.P State & Subordinate Service Rules on par with others with all consequential benefits and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstance of the case.”

Heard Sri V.Ravichandran, learned counsel appearing for the petitioners, and learned Government Pleader for Services-II appearing for the respondents.

When the matter is taken up for hearing, learned counsel appearing for the petitioners submits that the grievance of the 2nd petitioner has been redressed during pendency of the writ petition and hence, the cause in the writ petition does not survive for adjudication so far as the 2nd petitioner is concerned.

The 1st petitioner was appointed as Panchayat Secretary, on contract basis, under medical invalidation scheme in the year 2003 and his services were regularized *vide* proceedings dated 12.04.2012. Thereafter, he was promoted as Panchayat Secretary Grade-III *vide* proceedings dated 21.06.2014. The grievance of the 1st petitioner is that the respondents have not declared his probation in the cadre of Panchayat Secretary Grade-IV on the ground that antecedents verification have not been done so far.

Learned counsel appearing for the 1st petitioner submits that though the 1st petitioner is eligible to the next promotion post of Panchayat Secretary Grade-II, the respondents are not considering his case for such promotion only on the ground of not declaring the probation in the initial cadre of Panchayat Secretary Grade-IV; that many of his juniors and the persons, who were appointed along with the 1st petitioner were promoted to the post of Panchayat Secretary Grade-II and that appropriate orders be passed directing the respondents to declare the probation of the 1st petitioner in the initial cadre of Panchayat Secretary Grade-IV, and consider his case for promotion to the post of Panchayat Secretary Grade-II, in accordance with the Rules.

Learned Government Pleader appearing for the respondents submits that since antecedents are not verified, the respondents have not declared the probation of the 1st petitioner in the initial cadre of Panchayat Secretary Grade-IV; that as and when verification of antecedents has been done, appropriate orders would be passed 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 the respondents cannot delay the verification of antecedents and declaration of probation in the initial cadre of Panchayat Secretary Grade-IV.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the 1st petitioner for declaration of probation in the initial cadre of Panchayat Secretary Grade-IV and thereafter, consider his case for further promotion to the post of Panchayat Secretary Grade-II, on par with his juniors, and pass appropriate orders in accordance with law. However, it is made clear that the respondents shall consider the case of the 1st petitioner without reference to the verification of antecedents as they have taken considerable time for verification. If the antecedents of the 1st petitioner are not upto the satisfaction of

the respondents, appropriate action can be taken by them, in accordance with law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

20th February, 2019
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