

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR) No.3710 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“.. to declare that the applicant is entitled to reckon his seniority in the cadre of Veterinary Assistant Surgeon w.e.f. 18.10.1998 instead 26.7.2000 for all the purposes, in terms of judgment rendered by this Hon’ble Tribunal in O.A.Nos.4591/2001 and batch dated 16.02.2005, which was confirmed by the Hon’ble High Court in W.P.No.22222/2007 dated 04.08.2008 including latest orders passed in OA No.702/2012 dated 20.1.2015. Apart from the very impugned order issued in G.O.Rt.No.514, Animal Husbandry DD & F (AH.1) Department dated 2.11.2007 of the 1st respondent was already set-a-side by this Hon’ble Court in OA No.12173/2009, dated 15.7.2011 and consequently holding the entire action of the respondents in altering the date of commencement of the probation of the applicant from 18.10.1991 to 26.07.2000 vide impugned G.O.Rt.No.514, Animal Husbandry DD & F (AH.1) Department dated 2.11.2007 of the 1st respondent as highly illegal, arbitrary, unjust, improper and discrimination and contrary to the various judicial pronouncements in the subject matter and pass such other order or orders.”

2. Heard Sri S. Satyanarayana Rao, learned counsel appearing for the petitioner, and the learned Government Pleader for Services-II appearing for the respondents.

3. It has been contended by the petitioner that he was initially appointed as Veterinary Assistant Surgeon vide proceedings, dated 01.09.1998, by conducting regular selection process. His services were regularized with effect from 18.10.1998 vide proceedings,

dated 22.01.2004. While so, the respondents have issued G.O.Rt.No.514, dated 02.11.2007, revising the date of probation of the petitioner from 18.10.1998 to 26.07.2000. In the said G.O.Rt., the probation dates of six Veterinary Assistant Surgeons were revised. Challenging the said G.O.Rt., one of the aggrieved persons, by name Dr. K. Siva Saradhi Babu, filed O.A.No.12173 of 2009 before the Administrative Tribunal and the Tribunal, after hearing the parties, was pleased to allow the said O.A. vide order, dated 15.07.2011, by setting aside G.O.Rt.No.514, dated 02.11.2007. The petitioner submits that he is also similarly placed and in spite of the Tribunal setting aside G.O.Rt.No.514, dated 02.11.2007, vide order, dated 15.07.2011, the respondents are not extending the benefits of the said order to the petitioner.

4. Learned counsel for the petitioner had contended that earlier when similar matters came up for consideration, wherein the commencement of probation of certain Veterinary Assistant Surgeons was altered, the Tribunal vide order, dated 16.02.2005, allowed O.A.No.4591 of 2007 and batch filed by the Veterinary Assistant Surgeons and challenging the same, the State has filed several Writ Petitions, one being W.P.No.22222 of 2007, and this Court was pleased to dismiss W.P.No.22222 of 2007 vide order, dated 04.08.2008, confirming the orders passed by the Tribunal. Further, once G.O.Rt.No.514, dated 02.11.2007, is set aside by the Tribunal, the petitioner is entitled to regularization of his services with effect from 18.10.1998 instead of 26.07.2000. Therefore, appropriate orders be passed in this Writ Petition directing the respondents to regularize the services of the petitioner in the cadre

of Veterinary Assistant Surgeon with effect from 18.10.1998 with all consequential benefits.

5. The learned Government Pleader for Services – II appearing for the respondents had contended that since G.O.Rt.No.514, dated 02.11.2007, is set aside, the case of the petitioner would be reviewed and appropriate orders would be passed in accordance with law.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that when once the Tribunal has set aside G.O.Rt.No.514, dated 02.11.2007, vide order, dated 15.07.2011, passed in O.A.No.12173 of 2009, and when in similar circumstances, this Court has confirmed the orders passed by the Tribunal allowing the O.As. filed by the Veterinary Assistant Surgeons challenging the alteration of commencement of their probation, the petitioner is also entitled to reckon his seniority in the cadre of Veterinary Assistant Surgeon with effect from 18.10.1998.

7. Hence, the Writ Petition is allowed and the petitioner is entitled to reckon his seniority in the cadre of Veterinary Assistant Surgeon with effect from 18.10.1998 with all consequential benefits. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

December 19, 2019.
MD