

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.11682 OF 2019

ORDER:

With the consent of learned counsel for both parties, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking a Writ of Mandamus to declare the action of the respondents in not considering the claim of the petitioner for promotion to the post of Village Revenue Officer on the ground that the petitioner was appointed on medical invalidation grounds, as illegal, arbitrary and unconstitutional and sought a consequential direction to the respondents to consider the claim of the petitioner for promotion to the post of Village Revenue Officer as per his seniority and eligibility by duly taking into consideration his initial appointment orders issued by the 4th respondent vide proceedings dated 17.12.2009 with all consequential benefits.

Heard Sri S. Surender Reddy, learned counsel for the petitioner, and the learned Government Pleader for Services-II.

It has been contended by the petitioner that initially he was appointed as Village Revenue Assistant on 17.12.2009 vide proceedings dated 17.12.2009 of the 4th respondent, on medical invalidation grounds. Subsequently, he was appointed afresh as Village Revenue Assistant on compassionate grounds vide proceedings dated 31.12.2015. The grievance of the petitioner is that though he was initially appointed as Village Revenue Assistant on 17.12.2009, the respondents are not counting his service from 17.12.2009 and they are counting his service from 31.12.2015. Therefore, he has submitted a representation to the respondents requesting them to consider his case for promotion to the next higher cadre of Village

Revenue Officer by treating the date of his initial appointment in the cadre of Village Revenue Assistant as 17.12.2009, but so far the respondents have not passed any orders. The petitioner further submits that the 3rd respondent – District Collector had issued notice on 31.05.2019 inviting objections for finalisation of final seniority list and the time for submitting objections was fixed as seven days from the date of issuance of the notice. Thereafter, provisional seniority list was displayed on the notice Board of the office of the 4th respondent - Tahsildar on 01.06.2019 and the petitioner has submitted his objections on 10.06.2019. The grievance of the petitioner is that without considering his objections, the respondents are going ahead with finalisation of final seniority list.

Learned counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the objections submitted by the petitioner on 10.06.2019 and pass appropriate orders in accordance with law and to further direct the respondents to finalise the seniority list by duly taking into account the date of appointment of the petitioner in the cadre of Village Revenue Assistant as 17.12.2009.

Learned Government Pleader appearing for the respondents had submitted that the 3rd respondent had given opportunity to all the Village Revenue Assistants before finalising the final seniority list and also seven days' time was given for filing objections and the list was displayed on the notice board of the office of the 4th respondent on 01.06.2019. Learned Government Pleader further submitted that the petitioner has not submitted his objections within seven days' time from the date of issuance of the notice dated 31.05.2019 and he claims to have submitted his objections on 10.06.2019, but however, the respondents have received the same on 11.06.2019 and since the petitioner has submitted his objections

after the cut off date of seven days, his case cannot be considered at this point of time. Learned Government Pleader fairly conceded that the respondents have not finalised the seniority list of Village Revenue Assistants so far. It is also stated by the Government Pleader that the petitioner has accepted the action of the respondents in giving appointment to him on compassionate grounds vide proceedings dated 31.12.2015 and, having accepted so, he cannot turn around and stake his claim to earlier appointment orders issued on 17.12.2009.

This Court, having considered the rival submissions of learned counsel for both parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the objections filed by the petitioner on 10.06.2019, which was received by the respondents on 11.06.2019, since the respondents have not finalised the seniority list of Village Revenue Assistants so far, and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI,J

13th June, 2019
v v