

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR) No.2919 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to direct the official respondents to consider the case of the petitioner for appointment by transfer to the post of Junior Assistant with effect from the date when his junior/respondent No.6 was promoted i.e., on 05.07.2012 with all consequential benefits by declaring the action of the official respondents in not considering the same as illegal and arbitrary.

2. Heard Sri Venkateshwarlu Dasari, learned counsel appearing for the petitioner, and the learned Government Pleader for Municipal Administration appearing for respondent Nos.1 to 5.

3. It has been contended by the petitioner that he was initially appointed as Watchman (Last Grade Service) on compassionate grounds vide proceedings, dated 27.05.2006, and joined duty on 01.06.2006. Since then, he has been discharging the duties to the satisfaction of his superiors. There is a channel for promotion to the post of Junior Assistant from the Last Grade Service. Though the petitioner is fully eligible and qualified for promotion to the post of Junior Assistant under the quota meant for Last Grade Service, the official respondents are not considering his case for appointment by transfer to the post of Junior Assistant. His further grievance is that his junior i.e., respondent No.6 was promoted as 'Junior Assistant' by proceedings, dated 05.07.2012. Therefore, he filed the present Writ Petition.

4. Learned counsel for the petitioner had contended that though the petitioner is fully eligible and qualified for appointment by transfer to the post of Junior Assistant, his case is not yet considered. Therefore, appropriate orders be passed in this Writ Petition directing the official respondents to consider the case of the petitioner for appointment by transfer to the post of Junior Assistant in the quota meant for Lower Grade Service.

5. Learned Government Pleader had contended that the case of the petitioner would be considered as per Rules and as per law.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a representation to the official respondents within a period of two weeks from the date of receipt of a copy of this order, staking claim for appointment by transfer to the post of Junior Assistant, and upon filing such representation, the official respondents shall consider the same and pass appropriate orders in accordance with law within a period of eight (8) weeks thereafter.

7. With the above direction, the Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

December 19, 2019.
MD

ABHINAND KUMAR SHAVILI, J