

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.13111 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to pass an order or orders, direction or directions, or issue a writ, more particularly in the nature of Writ of Mandamus, (i) Declare the action of the respondents in reducing our seniority from the tentative seniority list of A.R.Head Constables of Adilabad District Dated 30.8.2018 by mis-interpreting G.O.Ms.No.26 Home (Legal) Department Dated 29.4.2015 and not referring our names for the pre-promotional training for A.R.Sub-Inspectors and referring the names of our juniors for the said training programme vide C.No.436/ A1/ ADD/ 2019 dated 8.3.2019 issued by the respondent No.3 is illegal, arbitrary, violative of Articles 14 and 16 of the Constitution of India (ii) Direct the respondents herein to amend the said tentative seniority list of A.R.Head Constables of Adilabad District Dated 30.8.2018 placing us above our juniors (iii) Direct the respondents herein to refer us for pre-promotional training for A R Sub-Inspectors and give promotions to us as A.R.Sub-Inspectors”

Heard Mr.SChandra Sekhar, learned counsel for petitioners and the learned Government Pleader for Home.

It has been contended by the petitioners that they are working as A.R. Head Constables and in the seniority list prepared in the year 2015, the petitioners were placed above their juniors. Thereafter, the respondents have issued G.O.Ms.No.26 dated 29.04.2015, wherein the guidelines for fixing of seniority were issued and by misinterpreting the said G.O., the respondents have prepared a tentative seniority list on 30.08.2018, wherein the names of the juniors were placed above the petitioners. The petitioners further submit that based upon such an erroneous tentative seniority list prepared by the 3rd respondent, the names of the juniors to the petitioners were recommended for pre-promotional training vide proceedings dated 08.03.2019. Hence, the present writ petition.

Learned counsel for the petitioners submits that appropriate orders be passed in the writ petition directing the respondents to send the petitioners for pre-promotional training and set aside the tentative seniority list dated 30.08.2018 and by rectifying the said seniority list, the petitioners be placed above their juniors.

Learned Government Pleader appearing for respondents has submitted that the respondents have issued a tentative seniority list on 30.08.2018 inviting objections from the petitioners. If the petitioners are aggrieved by the said tentative seniority list, they are at liberty to submit their objections and the objections of the petitioners would be considered and final seniority list will be published in accordance with law.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioners to submit objections to the tentative seniority list prepared on 30.08.2018, if not already submitted, within a period of two weeks from the date of receipt of a copy of this order. Upon such objections being received, the respondents shall consider the same and pass appropriate orders by finalising the seniority list in the cadre of A.R. Head Constables within eight weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 01-07-2019
Prv

