

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.14860 of 2019

ORDER

This writ petition is filed seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) declare the action of the respondents in not extending the tenure of the petitioner as Director (Technical) beyond 31.05.2019 is illegal, arbitrary and consequently direct the respondents to continue the petitioner as Director (Technical) till the petitioner attain the age of superannuation 31st July, 2020 in accordance with the guidelines dated 31.03.2011 of the Department of Personnel and Training (iii) pass such order or other orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard Sri R.Raghunandan Rao, learned Senior Counsel appearing for the petitioner, and Sri N.Rajeshwar Rao, learned Assistant Solicitor General appearing for respondents 1 and 2.

It is the case of the petitioner that he is working as Director (Technical) with the 3rd respondent. His tenure was extended from time to time. When the tenure was not extended beyond 2014, he filed WP No.15103 of 2014 and this Court *vide* order dated 29.10.2014 disposed of the same directing the respondents to consider the case of the petitioner for continuing as Director (Technical) in accordance with Rules. Pursuant to the same, the respondents have

considered the case of the petitioner and *vide* proceedings dated 6.10.2015 extended the tenure for another period of five years with effect from 1.12.2013. Thereafter, the tenure was further extended for a period of six months with effect from 01.12.2018 *vide* proceedings dated 18.06.2019. As the tenure was not extended beyond 31.5.2019, the petitioner has submitted a representation seeking extension of his tenure. But the respondents have not passed any orders so far.

Learned Assistant Solicitor General appearing for respondents 1 and 2 contended that mandatory CVC clearance and Special Performance Report are awaited. As and when CVC clearance and Special Performance Report are received, the respondents shall consider the case of the petitioner and pass appropriate orders.

Learned Senior Counsel appearing for the petitioner contended that the respondents cannot subject the petitioner to further re-evaluation, which is not contemplated under the Rules, as the case of the petitioner was already re-evaluated. It is further contended that the respondents must consider the case of the petitioner based on the material available on record and pass appropriate orders, in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the Writ Petition can be disposed of directing the respondents to consider the case of the petitioner for extension of tenure as Director (Technical), in accordance with Rules, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, pending, if any, shall stand closed.

Date: 31.12.2019
rkk

JUSTICE ABHINAND KUMAR SHAVILI

