

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.15971 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“.....to issue any appropriate writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the 2nd Respondent in issuing Proceedings Rc.No. A1/ 3468/ 2018 dated 17.09.2018 promoting the petitioner as District Tribal Welfare Officer prospectively, instead of promoting notionally w.e.f. 24.11.2015 in spite of conducting the Review DPC and the action of the 2nd Respondent in issuing the Final Seniority List of District Tribal Development Officers (DTWO) by granting the seniority w.e.f. the date of Review DPC i.e., 15.09.2018 only instead of 24.11.2015 as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and consequently set aside the said Proceedings only to the extent of not granting the notional seniority w.e.f. 24.11.2015 and direct the Respondents to promote the Petitioner as District Tribal Development Officer (DTWO) w.e.f. 24.11.2015 instead of from the date of Review DPC by considering the Petitioner's representations dated 23.10.2018 and 07.02.2019 and in the light of the 2nd Respondent letter Rc.No.A1/ 3468/ 2018 dated 20.09.2018 with all consequential benefits....”

Heard Si Chandraiah Sunkara, learned counsel for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is fully qualified and eligible to be promoted for the post of District Tribal Development Officer and his case was considered and promoted to the post of District Tribal Development Officer vide proceedings dated 17.09.2018 prospectively instead of notionally on par with his juniors. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner contended that the respondents have filed counter affidavit and at para '20' of page

No.6, it is stated that the 2nd respondent has submitted a proposal to the 1st respondent for promoting the petitioner notionally on par with his juniors on 20.09.2018. But, so far, the 1st respondent has not passed any orders on the said proposal submitted by the 2nd respondent. Therefore, appropriate orders be passed in the writ petition directing the 1st respondent to consider the proposal submitted by the 2nd respondent on 20.09.2018 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents has contended that since the proposal submitted by the 2nd respondent is pending with the 1st respondent, the 1st respondent would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the 1st respondent to consider the proposal submitted by the 2nd respondent on 20.09.2018 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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

14-11-2019
Prv

