

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.14298 of 2018**

**ORDER:**

This writ petition is filed seeking a Writ of Mandamus, declaring the Proceeding in Rc.No.A1/406/2013, dated 27.4.2017 issued by the respondent No.1 insofar as it relates to placing the name of the petitioner below the unofficial respondent No.4 as well as reckoning his seniority in the cadre of Senior Assistant with effect from 06.04.2011 i.e., date of his joining, instead of 04.04.2011 and not considering and disposing of the appeal dated 12.6.2017 preferred by the petitioner and taking steps to effect promotions to the post of Deputy Tahsildar, as arbitrary, illegal, discriminatory and in violation of Articles 14, 16 and 21 of the Constitution of India, apart from contrary to Rule 33 of the Andhra Pradesh State and Subordinate Service Rules and sought consequential direction to the respondents to reckon the seniority of the petitioner in the cadre of Senior Assistant with effect from 04.04.2011 i.e., date of joining and consider his case for promotion to the post of Deputy Tahsildar by disposing of the appeal of the petitioner, dated 12.6.2017.

Heard Sri P.V. Krishnaiah, learned counsel for petitioner and the learned Government Pleader, Services-II appearing for the respondents.

It has been contended by the petitioner that he was initially appointed as Village Administrative Officer on 26.11.1998 and subsequently, he was posted as Village Revenue Officer on 7.2.2007. The petitioner is admittedly senior to the respondent No.4. The respondents have promoted the petitioner as well as respondent No.4 vide proceedings dated 3.4.2011. The proceedings dated 3.4.2011 clearly disclosed that the petitioner was promoted on regular basis and the unofficial respondent and others were promoted on adhoc basis or UDRI cadre.

Learned counsel for the petitioner has contended that the petitioner is fully eligible and qualified to be promoted as Deputy Tahsildar. The grievance of the petitioner is that the respondent No.1, in the provisional seniority list dated 9.8.2016, shown the name of the petitioner at Sl.No.58 by reckoning his seniority with effect from 6.4.2011 as Senior Assistant and the name of the party respondent at Sl.No.33 showing his date of officiating as Senior Assistant as 4.4.2011. The respondents instead of maintaining the inter-se-seniority in the cadre of V.R.O./Junior Assistant between the

petitioner and respondent No.4 and taking the date of joining in the promoted post i.e., Senior Assistant erroneously, they have prepared the final seniority list dated 27.4.2017 wherein the name of the petitioner was placed at Sl.No.63 and the name of the respondent No.4 was placed at Sl.No.42. Learned counsel for the petitioner further contended that aggrieved by the said publication of final seniority list, the petitioner has preferred an appeal to the second respondent on 12.6.2017 and the respondent No.2 is not passing any orders on the appeal preferred by the petitioner and without disposing of the appeal preferred by the petitioner, the respondents are taking steps to effect promotions to the next higher post of Deputy Tahsildar.

Learned counsel for the petitioner contended that if the respondents are taking steps to give promotions, the petitioner will be put to irreparable loss and hardship. Therefore, he contended that appropriate orders be passed in the writ petition directing the respondent No.2 to dispose of the appeal preferred by the petitioner within a reasonable time.

Learned Government Pleader appearing for the respondents has contended that since the petitioner has preferred an appeal on 12.6.2017, the appeal of the

petitioner would be considered and appropriate orders will be passed in accordance with law.

This Court, having considered the rival submissions of the parties, is of the considered view that since the appeal preferred by the petitioner is pending before the respondent No.2, it would appropriate to direct the respondent No.2 to dispose of the appeal preferred by the petitioner.

Accordingly, the writ petition is disposed of directing the respondent No.2 to dispose of the appeal preferred by the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

**Date: 04/01/2019**  
**Slk**

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