

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.18510 OF 2019

Date: 27.08.2019

Between:

K.Srinivas Rao, s/o. K.Venkateswar Rao,
Aged 56 years, occu: Asst.Executive Engineer,
Panchayat Raj, Sub-Division, Tirumalayapalem,
Head Quarters at Khammam, Khammam district.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,
Panchayat Raj Department, Secretariat at
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims that he was appointed as Work Inspector Grade-I on 15.05.1991. He was later appointed as Assistant Executive Engineer on 07.09.1994 and working in the said capacity. The tentative seniority list of Assistant Executive Engineers appointed from various sources was published on 21.02.2019 calling for objections. Petitioner filed his objections on 06.03.2019. Petitioner earlier filed W.P.No.6948 of 2019 challenging the tentative seniority list alleging that his objections are not considered. Having regard to the fact that petitioner has already filed objections, Writ Petition was disposed of, by order dated 02.04.2019, directing the respondents to consider the objections before finalizing the seniority list.

2. Duly taking note of the objections filed by petitioner and the directions issued by this Court, on 11.07.2019 proceedings were issued overruling the objections of petitioner and affirming the final tentative seniority list of Assistant Executive Engineers published on 03.07.2019. The gist of the objections raised and the decision on the said objections is also incorporated. Though the Memo dated 03.07.2019 refers to the said seniority list as final tentative seniority list, as seniority list is published after considering the objections, it is reasonable to assume that it is final seniority list. Against final seniority list, Rule 26 of the Andhra Pradesh State and Subordinate Service Rules provides

remedy of appeal. Petitioner has not availed the remedy of appeal and straightaway instituted this Writ Petition.

3. Learned counsel for petitioner sought to contend that several aspects including his entitlement to compute service rendered by him as Work Inspector Grade-I while determining his seniority in the Assistant Executive Engineer cadre is not considered and that his objections are not properly considered and mechanically rejected. He would submit that the persons, who have entered into Government service as Assistant Executive Engineers later to the petitioner, are shown as seniors. These are matters to be agitated before the appellate authority. In service matters, particularly with reference to the seniority, there are always claims and counter claims and employer is the best person to decide the respective claims by looking into the relevant rules, the service record and the objections of the individuals. Therefore, petitioner ought to have availed the remedy of appeal. It is not the case of petitioner that Engineer-in-Chief is not competent to prepare and finalize the seniority list. Since petitioner has effective and efficacious remedy, Court is not inclined to entertain the Writ Petition. Writ Petition is accordingly dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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