

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.20050 & 20240 of 2019

COMMON ORDER:

Both these writ petitions are being disposed of by this common order, as the issue raised in these writ petitions is one and the same.

2. W.P.No.20050 of 2019 is filed by Junior Assistants and Typists seeking promotion to the post of Senior Assistant, whereas, W.P.No.20240 of 2019 is filed by the Village Revenue Officers (VROs), who are also seeking promotion to the post of Senior Assistant.

3. Heard learned counsel for the parties.

4. It has been contended by the petitioners that as per A.P. Ministerial Service Rules, the post of Senior Assistant is to be filled up by promotion from the categories of Junior Assistant and Typist and also to be filled up with Village Revenue Officers. As per the Rules issued vide G.O.Ms.No.514, dated 13.08.2012, the post of Senior Assistant is to be filled up in the ratio of 60% from out of the feeder categories of Junior Assistant and Typist and 40% are to be filled up from the category of Village Revenue Officer. After issuing the above said G.O., the respondents have amended the Rules by incorporating a proviso vide amended G.O.Ms.No.341, dated 14.05.2013, to the effect that if there are no qualified candidates in either of these two feeder categories of Junior Assistant and Typist, the post of Senior Assistant is to be filled up with the eligible candidates from the category of Village Revenue Officer. Counsel for petitioners contended that the quota meant for VROs to an

extent of 40% has been filled up by promoting 40% of VROs to the post of Senior Assistant, however, the 60% quota meant for Junior Assistant/Typist for promotion to the post of Senior Assistant could not be filled up as there are no qualified candidates. Though the petitioners in W.P.No.20050 of 2019 have filed the said writ petition complaining that the official respondents have not sent them for survey training, thereby making them ineligible for promotion to the post of Senior Assistant, during the pendency of the writ petition, the eligible petitioners were sent for survey training.

5. As far as the petitioners in W.P.No.20240 of 2019 are concerned, their grievance is that though they have been working as Village Revenue Officers and are fully eligible and qualified to be promoted to the post of Senior Assistant, their cases have not been considered for promotion. They contend that their cases are to be considered for promotion to the post of Senior Assistant in terms of the proviso to the Rules by duly taking into account the fact that there are no eligible Junior Assistants/Typists for promotion to the post of Senior Assistant in the quota meant for Junior Assistants/Typists.

6. The Government Pleader appearing for respondents has filed counter affidavit to the effect that 10 to 12 petitioners in W.P.No.20050 of 2019 have acquired eligibility for promotion to the post of Senior Assistant in the quota meant for Junior Assistants/Typists. In the counter, it is also made clear that another 16 petitioners in W.P.No.20050 of 2019 are not eligible for promotion as some of them have not passed

departmental tests or their probation has not been declared or because of pendency of some cases and also on the ground that some of them have not completed survey training.

7. This court, having considered the rival submissions of the parties, is of the considered view that both these writ petitions can be disposed of directing the respondents to consider the eligible Junior Assistants and Typists for promotion to the post of Senior Assistant, and if there remains any vacancies of Senior Assistant which are earmarked for Junior Assistants/Typists, in view of the proviso, the cases of Village Revenue Officers can also be considered for promotion to the post of Senior Assistant strictly in terms of the proviso to the Rules.

8. Accordingly, both these writ petitions are disposed of directing the respondents to consider the cases of eligible petitioners in both the writ petitions in accordance with the Rules framed vide G.O.Ms.No.514, dated 13.08.2012 and also the proviso incorporated vide amended G.O.Ms.No.341, dated 14.05.2013 and pass appropriate orders in accordance with Rules within a period of Four weeks from the date of receipt of a copy of this order.

9. Subject to above directions, both the writ petitions are disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

13th December, 2019
ajr