

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23311 of 2019

ORDER:

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

2. The writ petition is filed seeking a Writ of Mandamus declaring the impugned orders dated 05.08.2019 passed by the 2nd respondent, revising the declaration of probation of the petitioner by applying Rule 16(h) of State & Subordinate Service Rules and the consequential orders dated 05.08.2019 ordering for recovery of certain amounts paid to the petitioner in view of alteration of declaration of probation, as illegal, arbitrary and unconstitutional and set aside the same and sought a consequential direction directing the respondents to consider the claim of the petitioner for promotion to the post of Principal by taking into consideration the date of his appointment by following the law laid down by the Apex Court in **R.Venkata Ramudu & another vs. State of A.P. & others**¹ on par with others with all consequential benefits.

3. Heard Sri A.Ravinder, counsel for petitioner and Government Pleader for Labour, appearing for respondents.

4. It has been contended by the petitioner that he has been working as Junior Instructor and that his probation was altered by the 2nd respondent vide proceedings dated 05.08.2019 by applying Rule 16(h) of State & Subordinate Service Rules. Petitioner contends that he is fully eligible

¹ Civil Appeal Nos.9856-9860 of 2016, dt.27.09.2016

and qualified for promotion to the post of Principal. Aggrieved by the orders passed by the 2nd respondent, petitioner has preferred an appeal to the 1st respondent on 02.07.2019, but the 1st respondent has neither passed orders on the appeal preferred by the petitioner nor considered the case of petitioner for promotion to the post of Principal. Therefore, counsel for petitioner contends that appropriate orders be passed in the writ petition directing the 1st respondent to consider the appeal preferred by the petitioner on 02.07.2019 and pass appropriate orders within a reasonable period of time.

5. The Government Pleader appearing for respondents contended that the case of the petitioner will be considered and appropriate orders would be passed on the appeal preferred by the petitioner on 02.07.2019, within a reasonable period of time.

6. This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing the 1st respondent to consider the appeal preferred by the petitioner on 02.07.2019 and pass appropriate orders thereon, in accordance with law, within a period of Eight weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

11th November, 2019
ajr