

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23902 of 2019

ORDER:

Heard Sri S.Syam Sunder Rao, learned counsel for the petitioner and the learned Government Pleader for Services-II. With the consent of learned counsel for the respective parties, this Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Mandamus declaring the proceedings of the Respondent No.3 bearing Rc.No.A1/513/2011-2, Dated:03.09.2019 promoting the Respondents 4 to 6 and (11) others who are juniors to the petitioner in the cadre of Junior Assistant/Typists/Stenos, in Revenue Department, Erstwhile Khammam District, is illegal, arbitrary, discriminatory, violative of principles of natural justice and unconstitutional being violative of Articles 14 and 16 of Constitution of India and consequently to direct the Respondents to consider the case of the petitioner for promotion to the post of Revenue Inspector in the cadre of Senior Assistant as per lower cadre seniority of Junior Assistants/Typists/Stenos in Revenue Department, Erstwhile Khammam District, issued vide Rc.No.A2/1135/2018 dated 25.5.2018 or to post as Revenue Inspector in the existing vacancies stated supra by giving notional seniority with effect from the date of juniors promoted by the 3rd respondent's impugned order dated:3.9.2019, and to pass such other order or orders.....”

It has been contended by the petitioner that she has been working as Junior Assistant in the Revenue Department and she is fully eligible and qualified to be promoted to the post of Senior Assistant. The grievance of the petitioner is that the respondents have considered the case of the respondents 4 to 6

for promotion to the post of Senior Assistants vide proceedings dt.03.09.2019, ignoring her case, though she is senior to them.

Learned counsel for the petitioner contends that though petitioner has submitted a representation on 03.08.2019 to the respondents requesting to consider her case for promotion to the post of Senior Assistant, the respondents without considering the same, issued impugned proceedings dt.03.09.2019 promoting the respondents 4 to 6, who are juniors to petitioner. He further contends that still there are existing vacancies, but the respondents are not considering the case of the petitioner for promotion to the post of Senior Assistant. Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Senior Assistant in the existing vacancies in accordance with Rules.

Learned Government Pleader appearing for the respondents contends that since the representation submitted by the petitioner on 13.08.2019 is pending with the respondents, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 13.08.2019 and pass appropriate orders in accordance with the 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 SHAVILI, J

Date: 22-11-2019
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