

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25326 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to grant appropriate relief more in the nature of Writ of Mandamus under Article 226 of the Constitution of India declaring the action of the 2nd respondent in not implementing/complying with the directions/instructions issued by the 1st respondent by his Memo No.B2/9232/2016 dated 19.12.2016 as arbitrary, illegal, malafide, discriminatory, unconstitutional, violative of Articles 14, 16 and 21 of the Constitution of India and issue consequential directions directing the 2nd respondent to forthwith implement the Memo No.B2/9232/2016 dated 19.12.2016 issued by the 1st respondent and pass appropriate orders and further direct the respondents to consider the case of the petitioner for promotion to the post of Superintendent with effect from the date of promotion of his Juniors after complying with the Memo No.B2/9232/2016, dated 19.12.2016 issued by the 1st respondent by the 2nd respondent with regard to the petitioner's notional promotion and seniority in the cadre of Junior Assistants as well as Senior Assistants with all consequential benefits and pass such other order or orders.”

Heard Sri P.V.Krishnaiah, learned counsel appearing for the petitioner, learned Government Pleader for Endowments appearing for respondents 1 and 3 and Sri K.Jagan Mohan Reddy, learned Standing Counsel appearing for respondent No.2.

It is the case of the petitioner that he is working as Senior Assistant. While so, the 1st respondent *vide* Memo dated 19.12.2016 directed the 2nd respondent to fix the seniority of the petitioner. But, so far, the 2nd respondent is not implementing the Memo issued by the 1st respondent.

Learned counsel appearing for the petitioner contends that though the petitioner has submitted a representation on 29.8.2017, neither the respondents have considered the said representation nor fixed the seniority of the petitioner pursuant to the memo dated 19.12.2016 issued by the 1st respondent. It is prayed that appropriate orders be passed in the writ petition directing the 2nd respondent to consider the representation submitted by the petitioner and pass appropriate orders in accordance with law.

Learned Government Pleader as well as learned Standing Counsel appearing for the respondents contended that the 2nd respondent would consider the representation submitted by the petitioner and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the petitioner to submit a representation afresh to the 2nd respondent staking his claim for fixing the

seniority in pursuance of the Memo dated 19.12.2016 issued by the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the 2nd respondent shall consider the same and pass appropriate orders within a period of six weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 19.11.2019
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