

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.27503 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“to pass a writ, order or direction, more particularly one in the nature of a writ of Mandamus

(i) declaring the proceedings bearing No. A7/1169/2012, dated 17.07.2018 passed by the 2nd respondent to the extent it cancels the earlier proceedings dated 09.06.2018 of the same respondent and thereby denies the petitioners their right to continue in the promoted post of Village Revenue Officers in terms of the proceedings dated 09.06.2018 as illegal, arbitrary, unconstitutional, in violation of the principles of natural justice and in violation of Articles 14, 16 and 21 of the Constitution of India and to set aside the same;

(ii) consequently, uphold the promotion of the petitioners as Village Revenue Officers made under the proceedings dated 09.06.2018 and direct the respondents to communicate the same to the concerned District Revenue Officers, Tahsildars and all other authorities as may be necessary;

(iii) direct the Respondents to pay the petitioners salaries and all consequential benefits as applicable to the post of Village Revenue Officer for the months of June and July, 2018 and for all subsequent periods; and pass such other order or orders as this Hon'ble Court may deem fit in the interests of justice.”

Heard Sri D.Prakash Reddy, learned Senior Counsel appearing for the petitioners and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioners that initially they were appointed as Village Revenue Assistants. Since they are fully eligible and qualified to be promoted as Village Revenue Officers, their cases were considered for promotion and accordingly, they were promoted as Village Revenue Officers

vide proceedings dated 09.06.2018. All the petitioners have joined, but some of the persons, who were promoted along with them, have not joined in the promoted post. While so, the respondents, without assigning any reasons, have issued the impugned order dated 17.07.2018, cancelling the promotion order issued on 09.06.2018.

Learned Senior Counsel appearing for the petitioners contends that no reasons were assigned by the respondents, while cancelling the promotion order, issued in favour of the petitioners on 09.06.2018 and on this ground alone, the impugned order is liable to be set aside; that the respondents cannot supplement the reasons in the form of counter; that appropriate orders be passed by setting aside the impugned cancellation order by directing the respondents to continue the petitioners in the promoted posts of Village Revenue Officers; and that in support of his contention, he placed reliance on the judgment of the Apex Court in *Mohinder Singh Gill & Anr vs. Chief Election Commissioner*¹.

Learned Government Pleader appearing for the respondents contends that during verification of records, it has come to the notice of the respondents that the petitioners were illegally promoted as Village Revenue Officers; that the respondents have decided to initiate disciplinary action

¹ AIR 1978 SCC 851

against the petitioners for being illegally recruited as Village Revenue Assistants/Village Revenue Officers; that since the petitioners have indulged in grave irregularities, their promotion orders were cancelled.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that no reasons were assigned by the respondents while cancelling the promotion orders. Since the respondents themselves promoted the petitioners as Village Revenue Officers *vide* proceedings dated 09.06.2018, and within one month, they have cancelled the same without assigning any reasons, the impugned cancellation order is liable to be set aside.

Accordingly, the impugned cancellation order dated 17.07.2018 is set aside and the Writ Petition is allowed. The respondents are directed to continue the petitioners as Village Revenue Officers with all consequential benefits. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

1st February, 2019
rkk

JUSTICE ABHINAND KUMAR SHAVILI

