

**HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.42318 of 2015**

**ORDER:**

This writ petition is filed seeking the following relief :

“..... to issue an order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not promoting the petitioner to the eligible post is illegal, arbitrary, contrary to the regulation of the 2<sup>nd</sup> respondent Corporation and consequently, direct the respondents to promote the petitioner to the suitable post, place seniority list extent and the benefits with retrospective effect....”

2. Heard Sri J.Venkateshwar Reddy, learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing counsel, for the respondents-Corporation.

3. It has been contended by the petitioner that initially he was appointed as conductor in the year 1989 and he is fully eligible and qualified to be promoted to the next higher post of Assistant Depot Clerk. The grievance of the petitioner is that many of his juniors were promoted as Assistant Depot Clerks ignoring his case. In these set of circumstances, petitioner has submitted a representation to the respondents on 17.10.1992 and latest representation being 27.12.2014, requesting the respondents to consider his case for promotion to the post of Assistant Depot Clerk on par with his juniors. But, so far the respondents have not passed any orders on the said representation.

4. Learned counsel for the petitioner submits that right to make representation is a fundamental right of the petitioner, but the respondents are not considering the case of the petitioner for promotion to the post of Assistant Depot Clerk. Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider

the representation submitted by the petitioner on 27.12.2014 and to pass appropriate orders in accordance with law.

5. Learned Standing counsel appearing for the respondents submits that the case of the petitioner would be considered and appropriate orders would be passed on the said representation.

6. This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that the writ petition can be disposed of directing the petitioner to make a fresh representation staking his claim for promotion to the post of Assistant Depot Clerk on par with his juniors within two weeks from the date of receipt of copy of this order and upon such representation being received, the respondents shall consider the same and pass appropriate orders, in accordance with law, within eight weeks thereafter.

7. With the above directions, the Writ Petition is disposed of. No order as to costs. Pending miscellaneous petitions, if any, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

17<sup>th</sup> September, 2019  
Rds

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**Dated : 17.09.2019**

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