

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.231 of 2012

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the 1st respondent-Bank in not including the petitioner's name at Sl.No.13 in the *inter se* seniority list of Category-V issued vide proceedings dated 13.04.2011 as arbitrary, illegal and contrary to law and also violative of Articles 14, 16 and 21 of the Constitution of India, and also for a consequential direction to the 1st respondent-Bank to include the name of the petitioner at Sl.No.13 of category-V of the *inter se* seniority list.

2. Heard Sri A.K.Jayaprakash Rao, learned counsel for the petitioner, and Sri Polavarapu Srinivas, appearing for the first respondent-Bank.

3. As seen from the material on record, initially petitioner was appointed as Tenancy Supervisor on 27.02.1978 in erstwhile Co-operative Agriculture Development Bank at Kunavaram, Khammam. Thereafter, he was sent for training on 06.07.1979 in the Corporation. After completion of training, when the petitioner reported to duty on 02.02.1980, he was not allowed to re-join the duty. In those circumstances, petitioner filed I.D.No.7/1981 before the Labour Court, Hyderabad. The Labour Court passed award dated 09.09.1993 directing reinstatement with full back wages and all other attendant

benefits. Aggrieved by the same, the respondent-Bank filed W.P.No.10295 of 1984 and the said writ petition was allowed by this Court on 01.03.1989 by setting aside the orders of the Labour Court. Questioning the same, the petitioner preferred Writ Appeal No.255 of 1993 and the same was allowed by a Division Bench of this Court vide judgment dated 19.10.1995. Consequently, petitioner was reinstated into service. Now, the grievance of the petitioner is that though he was supposed to be reinstated with all consequential benefits, his name was not included in the seniority list in the cadre of Category-V prepared on 13.04.2011. Therefore, this writ petition is filed to direct the respondents to include the name of the petitioner at Sl.No.13 in the *inter se* seniority list in the cadre of category-V.

4. Learned counsel for the petitioner submits that during the pendency of the writ petition, petitioner has retired from service. He further submits that ends of justice would be met if appropriate orders are passed in the writ petition directing the respondents to consider the case of the petitioner for inclusion of his name in the seniority list and also for notional promotion on par with his juniors.

5. Learned Standing Counsel appearing for the respondent-Bank contends that the petitioner has not challenged the seniority list within the stipulated time nor preferred any appeal against the said seniority list. Therefore, the case of the petitioner cannot be considered, there are no

merits in the writ petition and the writ petition is liable to be dismissed. However, learned Standing Counsel submits that if the petitioner submits a fresh representation to the respondents, the respondents would consider the same and pass appropriate orders thereon in accordance with law.

6. Having considered the rival submissions made by both the counsel, without going into the merits of the case, this Writ Petition is disposed of directing the petitioner to submit a fresh representation to the respondents for inclusion of his name at Sl.No.13 in the seniority list prepared on 13.04.2011 and also for notional promotion on par with his juniors, within two weeks from the date of receipt of copy of this order. Upon such representation being received, the respondent-Bank shall consider the same and pass appropriate orders thereon with a period of eight weeks thereafter.

As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed. No orders as to costs.

ABHINAND KUMAR SHAVILI, J

28.08.2019.
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