

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.40655 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ to (i) declare the action of the Respondent No.1 in not considering the petitioners case for promotion to the post of Planning Officer as illegal and arbitrary; (ii) declare that the petitioners are fully eligible to be considered for promotion to the post of Planning Officer in terms of HUDA Staff (Recruitment and Service) Regulations, 1979; (iii) declare the Circular Ref.No. 1633/ Estt/ HMDA/ 2013 dt.16.03.2015 as illegal and contrary to Statutory Service Regulations of HMDA; (iv) consequently direct the Respondent No.1 to consider and promote the petitioners as Planning officer with consequential benefits”

Heard Smt.K.Udaya Si, learned counsel for the petitioners and Sri V.Narasimha Goud, learned Standing Counsel for the 1st respondent.

It has been contended by the petitioners that they are presently working as Incharge Planning Officer and Assistant Planning Officer, respectively, and they are fully eligible and qualified to be promoted to the post of Planning Officer, but, the respondents are not considering their cases for promotion to the said post on the ground that they have obtained P.G. Diploma in Town and Country Planning from Osmania University and the said Certificates are not valid. The petitioners submit that in respect of a similarly situated employee viz., R.Padma Rani, the 3rd respondent has directed the 1st respondent to consider her case for promotion to the next higher post of Planning Officer.

Learned counsel appearing for the petitioners has drawn attention of this Court to the Memo issued by the Government on 10.09.2018, wherein the 3rd respondent has taken a decision to consider the case of R.Padma Rani (Assistant Planning Officer) for promotion to the post of Planning Officer, and submits that the cases of the petitioners are also similar to that of R.Padma Rani and in fact, in the seniority list, the petitioners are placed over and above the said R.Padma Rani. Therefore, the cases of the petitioners should be considered for promotion to the post of Planning Officer in terms of the Memo dated 10.09.2018 as was done in the case of R.Padma Rani.

Learned counsel for the petitioners submits that appropriate orders be passed in the writ petition directing the respondents to consider the cases of petitioners for promotion to the post of Planning Officer, strictly in terms of seniority list dated 15.11.2018 by duly taking into account the memo issued by the 3rd respondent on 10.09.2018, in favour of R.Padma Rani, who has acquired identical qualification as that of petitioners.

Learned Standing Counsel appearing for the 1st respondent has contended that in para '15' of the counter affidavit, it is categorically stated that the diplomas obtained by the petitioners are not approved by AICTE and on that ground, the cases of petitioners were not considered. Since the 3rd respondent has issued Memo dated 10.09.2018 in respect of R.Padma Rani, the cases of petitioners also will be considered in terms of Memo dated 10.09.2018 and appropriate orders would be passed in accordance with law. Further, the cases of the petitioners would be considered

for promotion as and when the 1st respondent undertakes the exercise of giving promotions to the post of Planning Officer.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing respondents 1 and 3 to consider the cases of petitioners for promotion to the post of Planning Officer in terms of the Memo dated 10.09.2018, issued in respect of R.Padma Rani, and also strictly in accordance with the seniority list dated 15.11.2018, as and when they undertake the exercise of giving promotions to the post of Planning Officer.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

Date: 02-08-2019
Prv

ABHINAND KUMAR SHAVIL, J



