

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.354 OF 2019

Dated:31.01.2020

Between:

Dr. Jagadishwar Nenavath,
M.S. (Orthopaedics), Occ: Civil
Assistant Surgeon, Department of
Orthopaedics, O/o. ESI Hospital,
Sanathnagar Located at Nacharam,
Hdyerabad, R/o. Hyderabad

.. Petitioner

And

Sri Shashank Goel, IAS, Principal
Secretary, Labour, Employment,
Training and Factories (OP & IMS)
Department, State of Telangana,
Telangana Secretariat, Hdyyerabad
And another

.. Respondents



This Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.354 OF 2019

ORDER:

This Court, by order dated 20.09.2018, passed interim order directing the respondents to consider the case of the petitioner for promotion in the existing vacancy as per the Rules notified vide G.O.Ms.No.183, dated 04.05.1996, as amended by notification of which was published vide G.O.Ms.No.96, dated 04.04.2002, as interpreted by the judgment of the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.5344 of 2012. Alleging that the said directions are violated, this Contempt Case is filed.

2. *Prima facie*, according to learned counsel for the petitioner, petitioner joined service in the year 2013 and he claims to possess Post Graduation Degree in his discipline. It is not in dispute that for seeking promotion to the next higher post, petitioner must have completed five years of service as on the date of commencement of the panel year in addition to the educational qualifications. The panel year in issue is 2017-18. For consideration for promotion during this panel year, the eligibility has to be reckoned as on 01.09.2017. But, as on 01.09.2017, petitioner did not complete five years of service. Therefore, in consideration of the interim directions, by memo dated 23.02.2019, petitioner was informed that he was not having the requisite service for consideration for promotion during the panel year 2017-18 and he would be considered for the next panel year 2018-19.

3. Having regard to the fact that the petitioner was not having requisite service, it cannot be said that the rejection of the request

of the petitioner was deliberate and willful, more so, when direction of this Court was only for consideration of the case of the petitioner for promotion in the existing vacancy.

4. In view of the same, the Contempt Case is closed.

P. NAVEEN RAO, J

Date:31.01.2020

KH

