

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

WRIT PETITION NO: 5033 OF 2003

Between:

Abdul Sattar, S/o. Abdul Kareem, Messenger, Srirama Grameena Bank, Chinna Malla Reddy Branch, Nizamabad District.

...PETITIONER

AND

Srirama Grameena Bank, Nizamabad, Rep. by its Chairman.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus –

- (i) directing the respondent not to fix any Bench Mark for selection to the post of Clerk-cum-Cashier by promotion from the post of Messenger pursuant to the notification dt. 9.11.2002 vide Circular No.PER/11/2002-2003 as the same is contrary to the Judgment of the Hon'ble Supreme Court in the case of B.V.Sivaiah, reported in 1998 (6) SCC 720 and contrary to the very object and purpose and spirit of the rule of promotion on the basis of seniority-cum-merit; consequently
- (ii) direct the respondent to give effect to promotions to the post of Clerk-cum-Cashier from among Messengers pursuant to the Circular No.PER/11/2002-2003 dt. 9.11.2002 strictly on the basis of seniority-cum-merit as interpreted by the Hon'ble Supreme Court in B.V.Sivaiah's case;

WPMP. NO: 6636 OF 2003

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings including final selection process for promotion to the post of Clerk-cum-Cashier in the Respondent Bank from among Messengers pursuant to the Circular No.PER/11/2002-2003 dt. 9.11.2002.

Counsel for the Petitioner: SRI. NANDIGAM KRISHNA RAO

Counsel for the Respondent: NONE APPEARED

The Court made the following:

THE HON'BLE SMT JUSTICE P. MADHAVI DEVI

W.P. No.5033 of 2003

ORDER:

On the earlier occasion, there was no representation for the petitioner and therefore, the matter was directed to be listed under the caption "for dismissal".

Today also, even though the matter is listed under caption "for dismissal", when the matter is taken up for hearing, none appeared for the petitioner.

Accordingly, the Writ Petition is dismissed for non-prosecution. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall also stand dismissed.

//TRUE COPY//

**SD/-V.SUDHA
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. One CC to Sri. Nandigam Krishna Rao, Advocate [OPUC]
2. Two CD Copies.
3. One Spare Copy.

PM

HIGH COURT

DATED:08/11/2021

ORDER

WP.No.5033 of 2003



Dismissing the WP
For non-prosecution
Without costs.

29/11/2021
[Signature]