

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

HON'BLE SRI JUSTICE PULLA KARTHIK

W.P.Nos.12636 & 12825 of 2010

COMMON ORDER: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

Heard Sri P.Vishnuvardhan Reddy, learned counsel appearing for the petitioners and learned Government Pleader for Services-II appearing for the respondents.

2. Since the issue involved in both the writ petitions is one and the same, they are being heard together and disposed of by way of this common order.

3. Aggrieved by the common order dated 31.12.2009 passed in O.A.Nos.11917 & 11942 of 2009 by the Andhra Pradesh Administrative Tribunal, Hyderabad, both these writ petitions have been filed.

4. It is the case of the petitioners that they are fully qualified and eligible to be appointed to the post of Assistant Executive Engineers and they have responded to the notification issued by the respondents on 24.07.2008 for the post of Assistant

Executive Engineers. All of them are possessing Degree in Engineering (Mechanical). The respondents have earmarked only 5% posts for Mechanical Engineering candidates and 95% posts for Civil Engineering candidates. Aggrieved by the same, the petitioners have approached the Tribunal by filing O.A.Nos.11917 and 11942 of 2009. Without appreciating any of the contentions raised by the petitioners, the Tribunal *vide* common order dated 31.12.2009 dismissed the said OAs. Challenging the same, the present writ petitions have been filed.

5. Learned counsel appearing for the petitioners had contended that the Tribunal has failed to appreciate the fact that only 5% vacancies were earmarked for Mechanical Engineers for filling up the posts of Assistant Executive Engineers, which is discriminatory and arbitrary and this fact was not properly appreciated by the Tribunal and the Tribunal ought to have set aside the notification by directing the respondents to fill up the Assistant Executive Engineer posts in equal proportion on par with Civil Engineers.

6. Learned Government Pleader appearing for the respondents had contended that notification was issued way back in 2008 and now, we are in 2023 and the respondents have filled up all the posts including 5% of posts earmarked for Mechanical Engineers as per G.O.Ms.No.219, dated 11.06.2008 and the Tribunal has considered Note-II of Rule 3 of G.O.Ms.No.219, and came to a conclusion that there was no discrimination in earmarking the posts and the Tribunal was justified in dismissing the O.As.

7. Having considered the rival submissions made by the leaned counsel on either side, this Court is of the view that the Tribunal was justified in dismissing the O.As as the Tribunal has upheld the Rules issued *vide* G.O.Ms.No.219, dated 11.6.2008 and as the respondents were filling up the posts of Assistant Executive Engineers in Civil works, they have fixed only 5% posts for Mechanical Engineers. Moreover, we are in the year 2023 and the notification was issued way back 2008.

Further, learned Government Pleader had submitted that since all the posts notified were filled up, no relief can be granted

to the petitioners. The Tribunal was right in upholding the Rules in G.O.Ms.No..219, dated 11.06.2008. Therefore, this Court is not inclined to interfere with the order passed by the Tribunal.

8. Accordingly, the both the Writ Petitions are dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

JUSTICE PULLA KARTHIK

Date: 23-01-2023

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