

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.15112 of 2004

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

This Writ Petition is filed by the petitioners under Article-226 of the Constitution of India seeking a 'Writ of Certiorari' by calling for records relating to the order passed by the Andhra Pradesh Administrative Tribunal (for short, 'the Tribunal'), Hyderabad in O.A.No.2706 of 2000, dated 22.08.2003 and to quash the same.

2. Heard Mr. B.G.Ravinder Reddy, learned counsel for petitioners and learned Government Pleader for Services-II for respondents.

3. Learned counsel for the petitioners contended that petitioners were appointed as "Junior Assistants" through District Selection Committee (DSC) during the year 1986-87 and the contesting respondents were appointed as Junior Assistants in pursuance to the notification issued by the Andhra Pradesh Public

Service Commission (APPSC). The grievance of the petitioners is that the contesting respondents have joined after the petitioners have joined, but inspite of the same, the contesting respondents were treated as seniors to the petitioners. Aggrieved by the same, the petitioners have approached the Tribunal by filing O.A.No.2706 of 2000 and the Tribunal vide orders, dated 22.08.2003 was pleased to dismiss the O.A without appreciating any of the contentions raised by the petitioners. Therefore, appropriate orders be passed in the writ petition by setting aside the orders passed by the Tribunal in O.A.No.2706 of 2000, dated 22.08.2003 and also revised seniority list, dated 07.03.2000 and further direct the respondents to place the petitioners over and above the contesting respondents.

4. On the other hand, Government Pleader appearing for the official respondents contended that the provincial seniority list was communicated to all the individuals and petitioners have submitted a

representation on 04.10.1999 and 05.10.1999, requesting to grant further time of 15 days and also permit the petitioners to peruse the record and respondents have granted time to the petitioners to inspect the documents vide proceedings, dated 15.11.1999. Thereafter, the petitioners have not submitted their objection and respondents have no other option except to finalize provisional seniority list. Therefore, there are no merits in the writ petition and the Tribunal was justified in dismissing the O.A.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that the petitioners are challenging final seniority list even without submitting any objections. Therefore, the Tribunal was justified in dismissing the O.A. Therefore, this Court is not inclined to interfere with the orders passed by the Tribunal.

6. With these observations, the Writ Petition is dismissed. No costs.

7. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK , J

Date: 23.01.2023
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