

HON'BLE SMT. JUSTICE V.SUJATHA

WRIT PETITION Nos.15278 & 15951 of 2023

COMMON ORDER:

These writ petitions are filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the confirmed integrated seniority list of Deputy Executive Engineers from 01.04.2008 vide proceedings in Memo No.G/RWS&S/DEE/ Seniority List/9655/2023 dated 19.06.2023 utterly disregarding and disturbing the longstanding seniority by adopting an irrational method of cycling process and placing juniors over seniors in the integrated seniority list, as illegal and arbitrary and to set aside the Memo dated 19.06.2023 with a consequential direction to the respondents to revise the integrated seniority list adhering to Rule 33, 34 and 36 of Andhra Pradesh State and Sub-ordinate Service Rules, 1966 and adopting the cycling process and method of integration followed by R & B Department to determine the seniority of Deputy Executive Engineers to the post of Executive

Engineers, by considering the representations/appeals of the petitioners.

2. The case of the petitioners is that they were initially appointed as Assistant Executive Engineers through APPSC during the year 1992 and 1997 respectively and joined into service in Panchayat Raj Engineering Department. The petitioners have completed their probation in the category of Assistant Executive Engineers by April, 1995 and July, 2000 respectively. Thereafter, they were promoted as Deputy Executive Engineers vide proceedings dated 20.10.2005 and 03.06.2013 respectively. Subsequently, the Government of Andhra Pradesh issued G.O.Ms.No.508, General Administration (Special.A) Department dated 18.07.2007 intending to create a new Engineering Department to focus specially on Rural Water Supply, for which the petitioners have opted and were allotted to the newly formed RWS Department vide communication in G.O.Ms.No.511 dated 15.11.2017. The Government issued the Provisional integrated seniority list of Deputy Executive Engineers who are working in RWS&S Department with

effect from 01.04.2008 vide proceedings dated 01.05.2023, which was re-verified and subsequently the provisional integrated seniority list was issued on 04.05.2023 calling for objections. In response, the petitioners and several others have submitted their objections. Thereafter, a memo was issued in Memo No.G/RWS&S/DEE/Seniority List/9633/2023, dated 16.06.2023 answering only selective objections raised by the petitioners ignoring the other objections raised by the petitioners with regard to total strength, directions of Memo No.29114/Serv.D/99-3 dated 25.06.1999 issued by General Administration (Ser.D) Department and *inter se* seniority under Rule 36(ii) and (iii) of Andhra Pradesh State and Subordinate Service Rules, 1996. As such, the petitioners have preferred appeals to the Special Chief Secretary to Government on 20.06.2023 and 30.06.2023 respectively to review the process of finalizing the integrated seniority list for promotion to the post of Executive Engineers. As the respondents are now trying to effect promotions pending the appeals preferred by the petitioners, the present writ petitions are filed.

3. Having regard to the facts and circumstances of the case and submissions made by the learned counsel for both the parties and in view of the fact that the petitioner in W.P.No.15278 of 2023 and the petitioner in W.P.No.15951 of 2023 have already preferred appeals before the 1st respondent vide Letter dated 20.06.2023 and 30.06.2023 respectively, wherein they have requested to review the integrated seniority list communicated by the Engineer-in-Chief, RWS&S, Vijayawada and to stall the process of promotion to the post of Executive Engineers till finalization of the revised seniority list with equitable distribution of candidates as per rules that are followed in R & B Department, this Court feels it appropriate to dispose of the writ petitions, without going into the merits of the case.

4. Hence, the 1st respondent is directed to pass appropriate speaking orders in the appeals preferred by the petitioners in both the writ petitions on 20.06.2023 and 30.06.2023 respectively in accordance with law, as expeditiously as possible, preferably within a period of two (2) days from the date of receipt of a copy of this order. Till

passing of such orders, the respondent authorities shall not proceed further with the promotions and the *status quo* granted earlier shall be in force.

5. With the above direction, both the Writ Petitions are disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in these writ petitions shall stand closed.

JUSTICE V.SUJATHA

Date : 21.08.2023

Note: Issue C.C. by 30.08.2023
(B/o)
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