

[3333]

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 19509 OF 2023

Between:

1. Shaik Ahamed Basha, S/o.Mahaboob Saheb, Aged 59 years, Working as Assistant Prohibition and Excise Superintendent/ Asst. Manager, O/o.APSBCL, IMFL Depot, Nellore.
2. Jally Ramesh, S/o.N.Narasaiah, Aged 55 years, Working as Assistant Prohibition and Excise Superintendent, O/o.District Prohibition and Excise Office, Puttaparthi Sri Satya Sai District.
3. Gonugunta Narasimha Rao, S/o.Prakasa Rao, Aged 61 years, Assistant Enforcement Superintendent, Special Enforcement Bureau (SEB), Bapatla, Bapatla District.

Petitioners

AND

1. The State of Andhra Pradesh, rep.by its Principal Secretary, Excise Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner, Prohibition and Excise Department, Government of Andhra Pradesh, Vijayawada, Krishna District.
3. R.Gowreswara Rao, S/o.not known to the petitioners, Aged 36 years, Occ:Assistant Prohibition and Excise Superintendent, APSBCL, IML Depot, Eluru.
4. K.Nagamalleswara Reddy, S/o.not known to the petitioners, Aged 29 years, Occ:Assistant Prohibition and Excise Superintendent, District Prohibition Excise Office, IML Depot, Rajamahendravaram, East Godavari District.
5. K.Manikantha, S/o.not known to the petitioners, Aged 32 years, Occ:Assistant Enforcement Superintendent, O/o.DSEO, Guntur.
6. B.Srinadhudu, S/o.not known to the petitioners, Aged 42 years, Occ:Assistant Enforcement Superintendent, O/o.DSEO, Visakhapatnam District.
7. C.Naresh Kumar, S/o.not known to the petitioners, Aged 32 years, Occ:Assistant Prohibition and Excise Superintendent, APSBCL, IML Depot, Ongole.
8. V.Danamjaya Kumar, S/o.not known to the petitioners, Aged 34 years, Occ:Assistant Enforcement Superintendent, O/o.DSEO, Satya Sai District at Puttaparthi.

9. Y.Srilatha, W/o.not known to the petitioners, Aged 35 years, Occ:Assistant Prohibition and Excise Superintendent, O/o.District Prohibition Office, Bhimavaram, West Godavari District.
10. Shaik Ayesha Begam, W/o.not known to the Petitioners, Aged 35 years, Occ:Assistant Enforcement Superintendent, O/o.DSEO, Chittoor District.
11. A.Srinivasulu Naidu, S/o.not known to the Petitioners, Aged 55 years, Occ:Assistant Enforcement Superintendent, O/o.DSEO, SEB Sub-Division, Markapuram, Prakasam Dist.
12. Sk.Khaja Mohiddin, S/o.not known to the petitioners, Aged 53 years, Occ:Assistant Prohibition and Excise Superintendent, O/o.Commissioner of Prohibition and Excise, Vijayawada, Krishna District.
13. K.Koteswara Rao, S/o.not known to the petitioners, Aged 61 years, Occ:Assistant Prohibition and Excise Superintendent, O/o.Sri Krishna Distillery, Chittoor Dist.

Respondents

WHEREAS the Petitioners above named through their Advocate SRI.P.DURGA PRASAD presented this 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 may be pleased to issue a Writ of Mandamus, or other appropriate writ, order or direction, declaring the Final Seniority List and Final Integrated Seniority List of Assistant Prohibition and Excise Superintendents (AP & ES) of Multi Zone-I and II for the years 2018-19 and 2019-20 issued vide proceedings in Cr.No.12022/2/2023/CPE/B1, dated 03-07-2023 and consequential publication vide Gazettee No.488, dated 13-07-2023 issued by the 2nd respondent herein is illegal, arbitrary, null and void and violative of Articles 14, 16 & 21 of the Constitution of India besides contrary to the Rule 36 of Andhra Pradesh State and Subordinate Service Rules, 1996 and also contrary to the Memo. No.Rev01-CPEOMI SC/ 144/2020-EXCISE, dated 10-06-2021 and Memo No.REV01-CPEOMISC/ 144/2020-EXCISE, dated 10-08-2021 issued by the 1st respondent and consequently set aside the same by directing the respondents 1 & 2 to revise the final integrated seniority list of Assistant Prohibition and Excise Superintendents of Multi Zone-I and II for the panel year 2018-19 and 2019-20.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri.P.Durga Prasad Advocate for the Petitioners and of Government Pleader for Services I for Respondent Nos.1 & 2, directed issue of notice to the Respondent Nos.3 to 13 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. R.Gowreswara Rao, Occ:Assistant Prohibition and Excise Superintendent, APSBCL, IML Depot, Eluru.
2. K.Nagamalleswara Reddy, Occ:Assistant Prohibition and Excise Superintendent, District Prohibition Excise Office, IML Depot, Rajamahendravaram, East Godavari District.
3. K.Manikantha, Occ:Assistant Enforcement Superintendent, O/o.DSEO, Guntur.

4. B.Srinadhu, Occ:Assistant Enforcement Superintendent, O/o.DSEO, Visakhapatnam District.
5. C.Naresh Kumar, Occ:Assistant Prohibition and Excise Superintendent, APSBCL, IML Depo, Ongole.
6. V.Danamjaya Kumar, Occ:Assistant Enforcement Superintendent, O/o.DSEO, Satya Sai District at Puttaparhi.
7. Y.Srilatha, Occ:Assistant Prohibition and Excise Superintendent, O/o.District Prohibition Office, Bhimavaram, West Godavari District.
8. Shaik Ayesha Begam, Occ:Assistant Enforcement Superintendent, O/o.DSEO, Chittoor District.
9. A.Srinivasulu Naidu, Occ:Assistant Enforcement Superintendent, O/o.DSEO, SEB Sub-Division, Markapuram, Prakasam Dist.
10. Sk.Khaja Mohiddin, Occ:Assistant Prohibition and Excise Superintendent, O/o.Commissioner of Prohibition and Excise, Vijayawada, Krishna District.
11. K.Koteswara Rao, Occ:Assistant Prohibition and Excise Superintendent, O/o.Sri Krishna Distillery, Chittoor Dist.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted on or before 11.08.2023 on which date the case stands posted for hearing.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents 1 and 2 herein not to effect any promotions to the post of District Prohibition and Excise Officer pursuant to the Final Integrated Seniority List of Assistant Prohibition and Excise Superintendents (AP & ES) of Multi Zone-I and II for the years 2018-19 and 2019-20 issued vide proceedings in Cr.No.12022/2/2023/CPE/B1, dated 03-07-2023 and consequential publication vide Gazettee No.488, dated 13-07-2023 issued by the 2nd respondent herein, pending disposal of the Writ Petition No.19509 of 2023, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

Notice to the respondents 3 to 13.

Learned counsel for the petitioners is permitted to take out personal notice to the respondents 3 to 13 by registered post with acknowledgment due and file proof of service.

Post along with W.P.No.18135 of 2023 after one week in the motion list to get instructions by the learned Government Pleader.

In the meanwhile, the respondents are directed not to effect any promotions.

SD/-N.NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Excise Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner, Prohibition and Excise Department, Government of Andhra Pradesh, Vijayawada, Krishna District.
3. R.Gowreswara Rao, Occ:Assistant Prohibition and Excise Superintendent, APSBCL, IML Depot, Eluru.
4. K.Nagamalleswara Reddy, Occ:Assistant Prohibition and Excise Superintendent, District Prohibition Excise Office, IML Depot, Rajamahendravaram, East Godavari District.
5. K.Manikantha, Occ:Assistant Enforcement Superintendent, O/o.DSEO, Guntur.
6. B.Srinadhu, Occ:Assistant Enforcement Superintendent, O/o.DSEO, Visakhapatnam District.
7. C.Naresh Kumar, Occ:Assistant Prohibition and Excise Superintendent, APSBCL, IML Depo, Ongole.
8. V.Danamjaya Kumar, Occ:Assistant Enforcement Superintendent, O/o.DSEO, Satya Sai District at Puttaparhi.
9. Y.Srilatha, Occ:Assistant Prohibition and Excise Superintendent, O/o.District Prohibition Office, Bhimavaram, West Godavari District.
10. Shaik Ayesha Begam, Occ:Assistant Enforcement Superintendent, O/o.DSEO, Chittoor District.
11. A.Srinivasulu Naidu, Occ:Assistant Enforcement Superintendent, O/o.DSEO, SEB Sub-Division, Markapuram, Prakasam Dist.
12. Sk.Khaja Mohiddin, Occ:Assistant Prohibition and Excise Superintendent, O/o.Commissioner of Prohibition and Excise, Vijayawada, Krishna District.
13. K.Koteswara Rao, Occ:Assistant Prohibition and Excise Superintendent, O/o.Sri Krishna Distillery, Chittoor Dist. (1 to 13 by RPAD- along with a copy of petition and affidavit)
14. One CC to SRI.P.DURGA PRASAD Advocate [OPUC]
15. Two CCs to GP FOR SERVICES I, High Court of Andhra Pradesh. [OUT]
16. The Section Officer, Posting, High Court of Andhra Pradesh.
17. The Section Officer, Writ Service, High Court of Andhra Pradesh.
18. One spare copy

SRL

HIGH COURT

VSJ

DATED:03/08/2023

NOTE: POST ALONG WITH W.P.No.18135 OF 2023 AFTER ONE WEEK IN THE
MOTION LIST

NOTICE BEFORE ADMISSION

WP.No.19509 of 2023

DIRECTION

