

IN THE HIGH COURT OF ANDHRA PRADESH:: AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE EIGHTEENTH DAY OF SEPTEMBER,

TWO THOUSAND AND TWENTY

: PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 4929 OF 2020

Between:

U Srinivasulu, S/o Late Ramanaiah, Aged about 42 years, Working as Deputy Commercial Tax Officer, Visakhapatnam, O/o the Commercial Tax Officer, Gajuwaka Circle, B-Block, Vuda Building, Siripuram, R/o.D.No.50-53-4, Maruthinagar, Near Abhayanjaneya Swamy Temple, Seethammadhara N.E., Visakhapatnam-13.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Special Chief Secretary, Revenue (Commercial Taxes) Department, Secretariat Buildings, Nelapadu, Amaravathi, Guntur District.
2. The Chief Commissioner of State Tax, Government of Andhra Pradesh, Vijayawada.
3. The Deputy Commissioner of Commercial Taxes, Commercial Tax Department, Government of Andhra Pradesh, Visakhapatnam.
4. Cherukuri Koteswara Rao, Working as Deputy Commercial Tax Officer, O/o.the Commercial Tax Officer, Sithampuram Circle, 74-2-20 Second Floor KMR Sons Plaza, Yanamalakuduru Road, Krishna Nagar, Vijayawada-520007, Krishna District.
5. Seshu Kumari Meesala, Working as Deputy Commercial Tax Officer, O/o.the Commercial Tax Officer, Rajahmundry Circle, 46-7-022, 3rd Floor, Danavayyapeta, Rajahmundry-533103, East Godavari District.
6. Koti V Srinivasa Rao, Working as Deputy Commercial Tax Officer, O/o.the Commercial Tax Officer, Palakol Circle, Behind B.V.R.M.V. High School, Hanuman Colony, Palakol-534260, West Godavari District.
7. Smt. Muppalla Annapurna, Working as Deputy Commercial Tax Officer, O/o.the Commercial Tax Officer, Gandhi Chowk Circle, 22-15-1, Harivallu Complex, Upstairs of Super Bazar, T.B. Road, Kothapet-522201. Guntur District.
8. B. Srinivasa Rao, Working as Deputy Commercial Tax Officer, O/o.the Deputy Commissioner (CT), Guntur Division, 1-1-73/1, 3rd Floor, Vasundhara Buildings Rajaji Bhavan, Jinna Tower Centre, Guntur, Guntur District-522002.
9. D.rama Babu, Working as Deputy Commercial Tax Officer, O/o.the Deputy Commissioner (CT), Vizianagaram Division, 685 & 686, Siddardha Nagar, Vizianagaram-535001.
10. S. Subhas, Working as Deputy Commercial Tax Officer, O/o.the Commercial Tax Officer, Rajampeta Circle, 6/922, Chejarla Complex, Opp. Deepa Lodge, Rail way Station, Raj ampet-516115.
11. Narayana Sastry, Working as Deputy Commercial Tax Officer, O/o.the Commercial Tax Officer, Dwarakanagar Circle, 1st Floor, VUDA Udyog Bhavan, Siripuram Junction, Visakhapatnam.
12. P. Venu Gopal Rao, Working as Deputy Commercial Tax Officer, O/o.the Commercial Tax Officer, West Circle, 687 35 688, Siddhartha Nagar, Siddardha Nagar, Vizianagaram-535001.
13. Smt. B. Sakunthala, Working as Deputy Commercial Tax Officer, SR Office, O/o.the Deputy Commissioner (CT), Opp. Q1 Hospital, Deendayal Nagar, Chinnagadli, Arilova, Visakhapatnam.

14.V. Appala Naidu, Working as Deputy Commercial Tax Officer, O/o.the Commercial Tax Officer, Narasampeta, Sree Devi Nagar, Narasannapeta, Srikakulam District-532421.

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 (a) call for the records pertaining to the G.O.Rt.No.5 Revenue (Commercial Taxes-I) Department, dated 01.01.2019, Proceedings in File No.REV03-24022(31)/2/2019-DXZ SEC-CCT, dated 29.03.2019 and Proceedings in CCT's File No.REV03-24022(31)/2/2019-DXZ SEC-CCT, dated 28.05.2019 and set them aside as bad illegal, arbitrary, unfair, discriminatory, amounting to abuse of power and colourable exercise of power, an action taken for extraneous reasons, decisions under political pressure, contrary to law and facts violative of principles of natural justice, amounting to taking away the accrued rights showing misdirected sympathies on endollant people, hit by delay and latches, besides being unconstitutional (b) direct the respondents to promote the petitioner as CTO based on his seniority position in the final seniority list dated 03.10.2012 of ACTOs and 29.01.2014 of DCTOs with all consequential benefits and (c) issue Writ, Order, Direction on issuance of Writ of Mandamus;

IA NO: 1 OF 2020

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 direct the respondents not to issue promotions to the cadre of Commercial Tax Officers (CTO), pending disposal of the Writ Petition No. 4929 of 2020, on the file of the High Court.

IA NO: 2 OF 2020

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 suspend the G.O.Rt.No.5 Revenue (Commercial Taxes-I) Department dated 01.01.2019, Proceedings in File No.REV03-24022(31)/2/2019-DXZ SEC-CC", dated 29.03.2019 and Proceedings in CCT's File No.REV03-4022(31)/2/2019-DXZ SEC-CCT, dated 28.05.2019 issued by the respondents, pending disposal of the Writ Petition No. 4929 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the orders of the High Court dated 29-02-2020 & 24-03-2020 made herein and upon hearing the arguments of SRI.J.SUDHEER Advocate for the petitioner and of learned Government Pleader for Revenue for Respondent Nos.1 to 3, the court made the following.

ORDER:

Learned Government Pleader for Revenue seeks three weeks time to file counter.

Post on 12.10.2020.

Interim order granted earlier on 29.02.2020 is extended by six(06) weeks.

Sd/- K. JAGANMOHAN
DEPUTY REGISTRAR

SECTION OFFICER,

//TRUE COPY//

Fo

To,

1. One CC to SRI J.SUDHEER Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
3. One spare copy

SP

HIGH COURT

DRJ

DATED: 18/09/2020

NOTE: POST ON 12-10-2020

WP.No.4929 of 2020

EXTENSION OF INTERIM ORDER

