

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI  
(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF AUGUST  
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA



WRIT PETITION NO: 20557 OF 2023

**Between:**

K Seshagiri Rao, S/o.Koteswara Rao, Age 56 years, Working as Deputy Executive Engineer, Central Market Fund, O/o. the Executive Engineer, Agricultural Market, Guntur, Guntur District

**...PETITIONER**

**AND**

1. The State of Andhra Pradesh, rep. by its Principal Secretary to Government Agriculture and Cooperation Dept A.P. Secretariat, Velagapudi, Amaravathi Guntur District.
2. The Commissioner and Director of Agricultural Marketing, Old Mirchi Yard, Chuttugunta, Guntur

**...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 issue a Writ, Order or direction more in the nature of Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Executive Engineer based upon his seniority and eligibility in the clear vacancy available in spite of submitting representation dt. 21.4.2023 while continuing the person on deputation blocking the chances of promotion of the petitioner as illegal and arbitrary and violates Article 14, 16 and 21 of Constitution of India and consequently declare that the petitioner is entitled for promotion to the post of Executive Engineer in any one of the existing vacancy in CMF Services with all consequential attendant benefits in the interest of justice.

**IA NO: 1 OF 2023**

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 issue Interim Direction directing the Respondents to forthwith consider the case of the for promotion to the post of Executive Engineer based on his seniority and eligibility in CMF Services in the clear vacancy available at Cuddapah pending disposal of the above W.P.

**Counsel for the Petitioner(s): SRI. P V RAMANA**

**Counsel for the Respondents 1 & 2 : GP FOR SERVICES II**

**The Court made the following: ORDER**

**HONOURABLE SMT. JUSTICE V.SUJATHA**

**WRIT PETITION No.20557 of 2023**

**ORDER:**

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

*"...to issue a Writ, Order or direction more in the nature of Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Executive Engineer based upon his seniority and eligibility in the clear vacancy available in spite of submitting representation dated 21.4.2023 while continuing the person on deputation blocking the chances of promotion of the petitioner as illegal and arbitrary and violates Article 14, 16 and 21 of Constitution of India and consequently declare that the petitioner is entitled for promotion to the post of Executive Engineer in any one of the existing vacancy in CMF Services with all consequential attendant benefits...."*

2. Case of the petitioner is that he made a representation to the 1<sup>st</sup> respondent on 21.04.2023 requesting to include the petitioner's name in the panel of Deputy Executive Engineer's for being considered for promotion as Executive Engineer in CMF Service in the two existing vacancies as per seniority and as well as the eligibility of the petitioner. But, the same was not considered.

3. Today when the matter came up for hearing, learned counsel for the petitioner reiterated his contention urged in the Writ Petition, but, however confined his argument to the extent to direct the respondent authorities to dispose of the representation

made by the petitioner on 21.04.2023, without touching the merits of the case.

4. On the other hand, learned Government Pleader for Services-II, submits that the respondent authorities agreed to consider the representation made by the petitioner, dated 21.04.2023 and will pass appropriate orders in accordance with law.

5. Having regard to the facts and circumstances of the case and submissions made by the learned Government Pleader for Services-II, instead of going into the merits of the case, this Court feels it appropriate to dispose of the Writ Petition by directing the 1<sup>st</sup> respondent to dispose of the representation dated 21.04.2023 made by the petitioner and pass appropriate orders by duly taking into consideration of eligibility and seniority of the petitioner in accordance with law, within a period of two (2) weeks, from the date of receipt of the copy of this order.

6. Accordingly, with the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications, pending, if any, shall also stand closed.

**Sd/- S SRINIVASA PRASAD**  
**ASSISTANT REGISTER**

//TRUE COPY//

**SECTION OFFICER**

To,

1. The Principal Secretary to Government Agriculture and Cooperation Dept, State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravathi Guntur District.
2. The Commissioner and Director of Agricultural Marketing, Old Mirchi Yard, Chuttugunta, Guntur
3. One CC to SRI. P V RAMANA Advocate [OPUC]
4. Two CCs to GP FOR SERVICES II, High Court of Andhra Pradesh. [OUT]
5. Two CD Copies

**HIGH COURT**

**DATED:11/08/2023**

**ORDER**

**WP.No.20557 of 2023**



**DISPOSING OF THE WP  
WITHOUT COSTS**

*7  
clp  
24/8*