

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

TUESDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA



WRIT PETITION NO: 28394 OF 2022

Between:

1. Y. Sambasiva Rao, S/o. YVS Ramaiah, Aged 60 years, Occ- Presently Working as Assistant Commissioner (ST) under the orders of reversion, Office of the Chief Commissioner(ST), Edupugallu, Kankipadu Mandal, Krishna District.
2. K. Venkataratnam, S/o. Satyanandam, Aged 54 years, Occ- Presently Working as Assistant Commissioner (ST) under the orders of reversion Office of the Chief Commissioner(ST), Edupugallu, Kankipadu Mandal, Krishna District.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by it's Principal Secretary, Commercial Taxes Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The Chief Commissioner (State Tax), O/o. The Commissioner of Commercial Taxes, D.No.5-59, R.K. Spring Valley Apartments, Block-B, Bandar Road, Edupugallu Village, Kankipadu Mandal, Vijayawada, Krishna District.
3. A.D.P. Rajkumar, S/O Late, A.V. Raghavulu, aged 55 years, Occ; Assistant Commissioner, O/O the Assistant Commissioner Bhimavaram Circle, Andhra Pradesh, R/O Bhimavaram.

...Respondents

(Respondent No.3 impleaded as per the court order dt. 16.09.2022 vide I.A.No. 3/2022, in W.P. No. 28394/2022 in the petition and Affidavit)

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 direction or order or Writ of Mandamus:

a. Declare the promotions of Writ Petitioners as Superintendent Grade-I w.e.f.1.2.2017, consequential seniority as Superintendent Grade. I w.e.f.1.2.2017 in ref. DXZ (1)/289/2012 dated 11.6.2020, and DPC of ACs dated 27.1.2021, and orders of promotion as Assistant Commissioner (ST) w.e.f 29.1.2021 in ref. D1/227/2017 dated 29.1.2021, are legal and legitimate and any revision or review of said promotions is against Articles 14 and 16 of the Constitution, accordingly quash/set aside the orders passed on 9.3.2022 and 10.3.2022 in D1/227/2017.

b. Direct the Government to fix of the responsibility, against higher end to lower end, responsible for passing abrupt orders on 9.3.2022 and 10.3.2022, without any law and in violation of rules, but with gross misutiliation of powers and award appropriate punishment.

c. Direct that, writ Petitioners are liable to be allowed, with exemplary costs and damages, for having thrust this unwarranted lison the petitioners, and direct payment of the same by the State, and to ensure accountability of recover the costs and damages so awarded from the personal funds of all the officers held responsible;

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the illegal and unlawful orders of 2nd respondent dated 9.3.2022 and 10.3.2022 in ref.D1/227/2017, and revoke/restore the orders in ref. DXZ (1)/289/2012 dated 11.6.2020, and consequential orders thereon, and promotion orders of Writ Petitioners as ACs in ref. D1/227/2022 dated 29.01.2021, pending disposal of WP No. 28394 of 2022, 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 dt; 6.09.2022,23.09.2022, 29.09.2022, 27.10.2022, 04.11.2022, 24.11.2022, 30.11.2022 01.12.2022, 06.12.2022, 28.12.2022, 14.02.2023, 22.02.2023,03.03.2023 15.03.2023, 16.03.2023, 27.03.2023 , 03.04.2023 & 04.04.2023 made herein and upon hearing the arguments of Sri P. DURGA PRASAD, Advocate for the Petitioner, and of G.P. FOR SERVICES- I for Respondents Sri. Goda Siva Advocate for Respondent No.3, the Court made the following:

ORDER:

"Heard both sides.

Orders reserved.

Interim Order granted earlier is extended till disposal of the writ petition."

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

Fc

SECTION OFFICER

To

1. One CC to Sri. P Durga Prasad, Advocate [OPUC]
2. Two CCs to GP for Services-I, High Court of Andhra Pradesh. [OUT]
3. One CC to Sri. Goda Siva, Advocate (OPUC)
4. One spare copy.

ksr

HIGH COURT

NV, J

DATED: 11/04/2023

ORDER

WP.No.28394 of 2022

INTERIM ORDER EXTENDED

