

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

THURSDAY, THE TWENTY NINTH DAY OF SEPTEMBER TWO THOUSAND AND
TWENTY TWO

:PRESENT:

THE HONOURABLE DR JUSTICE K MANMADHA RAO

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.

...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 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 Order of the High Court dt; 6.09.2022 &23.09.2022 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. the Court made the following.

ORDER:

" Heard.

Interim order granted earlier is extended till 20.10.2022.

Post the matter on 20.10.2022

**Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR**

//TRUE COPY//


For ASSISTANT REGISTRAR

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 spare copy.

nbr

HIGH COURT

DR.KMR.J

DATED:29/09/2022

ORDER

POST THE MATTER ON 20.10.2022

WP.No.28394 of 2022

INTERIM order extended

