

Supreme Court of India

Govt. Of A.P vs A.V. Venugopala Rao on 14 November, 1994

Equivalent citations: 1995 SCC (1) 179, 1994 SCALE (4)1118

Author: K Ramaswamy

Bench: Ramaswamy, K.

PETITIONER:

GOVT. OF A.P.

Vs.

RESPONDENT:

A.V. VENUGOPALA RAO

DATE OF JUDGMENT 14/11/1994

BENCH:

RAMASWAMY, K.

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RAMASWAMY, K.

VENKATACHALA N. (J)

CITATION:

1995 SCC (1) 179

1994 SCALE (4)1118

ACT:

HEADNOTE:

JUDGMENT:

## ORDER

1. Leave granted.

2. In the impugned order dated 28-4-1994, the Andhra Pradesh Administrative Tribunal in OA No. 6190 of 1993 directed that the direction issued by the Tribunal "will not preclude the authorities from putting an existing Executive Engineer in additional charge of the post of Executive Engineer or an existing Superintending Engineer similarly wherever required. The Committee also will examine the aspect that where there are no controversies, the consideration of promotion of Executive Engineers should be placed before the Tribunal for any further directions. Any incharge arrangements to the posts of Executive Engineers, Superintending Engineers or Chief Engineers made after interim order, are revoked and they stand divested of that charge, within one week." This part of the order is now mainly assailed in this appeal. Before issuing of notice to the respondent by our proceedings dated 13-7-1994, Shri K. Madhava Reddy, learned Senior Counsel had stated that

pending finalisation of the seniority list, the incharge arrangement was made to keep senior most in the provisional list of the respective divisions who are eligible for promotion to the post of Executive Engineer as in-charge so as to avoid heart-buming among the officers and that arrangement is being worked out satisfactorily. The impugned directions would create administrative problems. Therefore, when such statement was made, we directed the learned counsel to place on record the provisional seniority list and orders of in-charge given to the stated seniormost persons in the respective divisions. Accordingly, they have placed on record the provisional seniority list and also order of in-charge arrangement from the respective divisions. This position has not been controverted. However, the learned counsel for the respondent in the counteraffidavit filed on behalf of the respondent has controverted the correctness and legality of the provisional seniority list as such. Since that matter is now pending adjudication in the Tribunal, we direct the Tribunal to look into the matter.

3. As to what is done, is an interim arrangement of the Government for smooth functioning of the department, we think that the Tribunal was not justified in upsetting the interim arrangement which has got a rational and reasonable basis to avoid administrative hardship or heart-burning to the persons who claimed to the posts of respective Executive Engineers, Superintending Engineers and the Chief Engineers, as the case may be. Under these circumstances, the above- quoted order of the Tribunal is set aside and the interim in-charge arrangement made by the State Government would continue till the disposal of OAS pending before the Tribunal. The Tribunal is directed to dispose of the matter as expeditiously as possible preferably within a period of six months from the date of the receipt of this order. The appeal is accordingly allowed. No costs.