

NOTE ON STATUS OF PREPARATION OF SENIORITY LISTS OF GR.I HWOS

Certain Hostel Welfare Officers of Social Welfare Department, have approached the Hon'ble Andhra Pradesh Administrative Tribunal, and filed O.As No.4927, 4928, 2929, 4860, 5327 & O.A.No.5642/2009, to direct the respondents to prepare the seniority list of Hostel Welfare Officers, Gr-II as per the Judgment of Hon'ble High Court in W.P.No.22978 of 2008, dt.18-12-2008 and batch and as per the judgment of the Hon'ble Tribunal in O.A.No.10934 of 2008 and batch, dated 27-2-2009. The Hon'ble Andhra Pradesh Administrative Tribunal in its orders dt.5-5-2010, in above batch cases have issued the following orders.

"The respondents are therefore, directed to finalize the seniority list of Wardens Gr-II by following the Rules i.e., Rule 16(h) of the Andhra Pradesh State and Subordinate Service Rules as interpreted by the Hon'ble High Court in their judgment in W.P.No.22978/2008 and Batch, dated 18-12-2008 and accordingly revise the promotion already given"

Accordingly, the Govt., have decided to implement Rule 16(h) as per the orders of the Hon'ble APAT, Hyderabad in order dt.05.05.2010 in O.A.No.4927, 4928, 4929, 4860, 5327 & 5642/2009, and issued necessary orders extending the date of probation of Gr-II HWOs of all the districts in the State by various G.Os under Rule 16(h) of APSSS Rules 1996, for 446 HWOs/ASWOs/DSWOs as shown in the Annexure.

Aggrieved by the orders issued by Govt. extending the date of probation certain HWOs who have not passed the requisite departmental tests within the period of probation and whose date of probation extended by Govt., under Rule 16(h) of APSSS Rules 1996, have approached the Hon'ble APAT and filed OAs No.8153/2010, 8083/2010, 8102/2010, 8084/2010, 8103/2010, 2823/2011, 5119/2011(Nalgonda Dist.,) 5811/2011, 5812/2011, 5814/2011, 5815/2011, 6523/2011, 6123/2011 & 7215/2011(Karimnagar Dist.) questioning the G.O.Rt.No.718, SWD, dt.26.08.2010, G.O.Rt.No.317 SWD, dt.21.04.2011, G.O.Rt.No.278 SWD, dt.08.04.2011, G.O.Rt.No.279, SWD, dt.08.04.2011, G.O.Rt.No.315 SWD, dt.21.04.2011 & G.O.Rt.No.312 SWD, dt.21.04.2011(Nalgonda Dist.,). G.O.Rt.No.614, Dt.02.08.2011 & G.O.Rt.No.657, Dt.10.10.2013 (Karimnagar Dist.)

The Hon'ble APAT has issued the following final orders dt.18.10.2012, in O.A.No.5119/2011 (Nalgonda Dist.) 5812/2011, 1548/2010, 8265/2010 & O.A.No.6523/2011, filed against implementation of Rule 16(h) of APSSS Rules 1996.

"In the light of the above circumstances, I hold that the impugned orders are illegal, arbitrary and violative of Article 14 of the Constitution of India. The lapses if any, cannot be rectified after long lapse of time more particularly when the applicants were also promoted to next higher post long prior to the date of impugned orders. Therefore, I am inclined to grant the relief as prayed for. This point is accordingly answered in favour of the applicants and against the Respondents.

In the result, all the OAs are allowed by setting aside the impugned orders viz., G.O.Rt.No.45, B.C. Welfare Department, dated 03.02.2010, G.O.Rt.No.718, Social Welfare Department, dated 26.08.2010. The G.O.Rt.No.312 (Nalgonda Dist.), G.O.Rt.No.315, G.O.Rt.No.317, dated 18.04.2011, G.O.Rt.No.278, G.O.Rt.No.579, Social Welfare Department dated 08.04.2011 and G.O.Rt.No.377, B.C. Welfare Department dated 29.12.2009 the dates of declaration of probation and regularization of services of the applicants shall be taken into consideration as per the earlier proceedings by which the probation of the applicants is declared and their services were regularized. V.M.As are dismissed".

Aggrieved by the above orders certain HWOs of Nalgonda Dist., i.e., Sri Khaja Khadeer Ahmed Siddiqui, HWO filed W.P.No.37152/2012, against the final orders dt.18-10-2012, issued by the Hon'ble APAT, in O.A.No.5119/2011 and batch. The Hon'ble High Court has issued orders as "Status quo, existed on that day, shall be maintained".

Against the orders of APAT in OA No.5119/2011 & batch dt.18-10-2012 the then Commissioner of Social Welfare of united AP also filed W.P.12741/2013 before the Hon'ble High Court as per the instructions of the Govt. The Hon'ble High Court in W.P.No.12741/2013 in W.P.MP.No.15695/2013 issued orders dt.07.06.2013 as follows.

"Pending further orders, status quo obtaining as on today shall be maintained". This order covers Andhra Pradesh & Telangana also.

Additional affidavit was also filed in Hon'ble High Court in W.P.M.P.No.5985 of 2013 to take up hearing of W.P.No.12741/2013 and to pass orders. It is pending in the Hon'ble High Court.

Because of status quo orders in W.P.No.37152/2012, W.P.No.12741/2013 in W.P.MP.No.15695/2013 fresh instructions have not been issued to prepare seniority list as per Date of appointment or as per G.Os issued by Govt., since orders issued in above W.Ps cover Telangana also.

The matter was brought to the notice of Govt. vide Lr.No.F1/3309/2013, dt.24.09.2014 requesting to issue clarification on procedure to be followed for preparation of seniority lists and to give adhoc promotions to the post of Gr-I HWOs, ASWOs and DSWOs as per G.O.Rt.No.595, GA (Services-D) Dept., Dt.17.09.2014 as there are status quo orders of the AP High Court against the orders of the APAT.