

HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

HON'BLE SMT JUSTICE ANIS

WRIT PETITION Nos.25707 & 25713 OF 2015

COMMON ORDER: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

Both these writ petitions can be disposed of by this common order as the contentions canvassed by the respective writ petitioners are identical.

The writ petitioners herein are the applicants before the Andhra Pradesh Administrative Tribunal, Hyderabad, in Original Application Nos.4622 & 4624 of 2015 respectively, wherein they have challenged Guideline No.2 of G.O.Rt.No.755, Panchayat Raj and Rural Development (Estt.V) Department, dated 06.08.2015.

The contention of Sri Karanam Ramesh, learned counsel appearing for the writ petitioners, is that the State Government in the Finance Department has taken a policy decision and announced through G.O.Ms.No.98 Finance (HR.I) Department dated 04.08.2015. The policy of the State Government is to maintain the stability of tenure of the Government Servants. Purpose of ensuring continuity of delivery of services by them has been reiterated, while temporarily lifting the ban, effected on transfers of government servants, for the period between 6th August to 15th August, 2015. According to the writ petitioners, contrary to this policy, the State Government in the Department of Panchayat Raj and Rural Development Department has framed Guideline No.2 and hence, the said guideline deserves to be set aside.

Per contra, Smt. Rajya Lakshmi, Learned Government Pleader for Services, would contend that as of now, there is no cause of action for the writ petitioners to suspect that they will be subjected to any transfer and only on an apprehension the Original Applications were instituted before the Tribunal. Hence the Tribunal, according to the learned Government Pleader, has rightly declined to grant the interim relief.

The departments like General Administration, Finance and Law are considered as nodal departments by the Government, so that the policy decisions

announced through these departments will have common applicability to all other departments also. At the same time, each department would be formulating an appropriate/suitable policy decision of its own. Therefore, the administrators are required to maintain a balance between the specific requirements of the department and also keep in view the directives contained in the general guidelines framed by the nodal departments like General Administration, Finance and Law. As of now, as rightly urged by the learned Government Pleader, we cannot assume that the Panchayat Raj and Rural Development will not keep in view or mind the stability of tenure talked about by the Finance Department and announced by the G.O.Ms.No.98, Finance (HR.I) Department, dated 04.08.2015. Therefore, preserving liberty to the writ petitioners, in case any such error is committed by the Department, to revive and seek appropriate interim relief in the pending Original Applications would meet the ends of justice.

Therefore, the present two writ petitions are disposed of with a direction that as and when the occasion requires and demands to challenge any such order passed by the Panchayat Raj and Rural Development Department contrary to the policy of stability of tenure announced through G.O.Ms.No.98, Finance (HR.I) Department, dated 04.08.2015, the writ petitioners are at liberty to move and seek appropriate interim relief from the Tribunal in the respective Original applications pending before them. The Tribunal shall not refuse to entertain the same only on the ground that by the impugned orders, it had already held that it is not a fit case to grant interim relief and therefore refused.

With this, both the Writ petitions are disposed of. No order as to costs. The miscellaneous petitions, if any, pending in the Writ Petitions, shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

Date: 13.08.2015

Note:

Issue C.C tomorrow.

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