

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.27082 of 2015

ORDER:

Heard Sri M. Kotaiah, learned counsel appearing for the petitioner and Sri B. Mayur Reddy, learned standing counsel for respondents-Corporation.

2. The petitioner was appointed as conductor on 01.08.1990 in the Corporation and after serving as a conductor for several years, he appeared for the test of Junior Assistant and he was selected as Junior Assistant (Finance). Thereafter, the petitioner was not appointed in the promotional post on account of lack of vacancy in the said post. In that connection, the Corporation ascertained the willingness of the petitioner to work in Personnel Department. The petitioner gave his willingness to work in the Personnel Department and accordingly he was appointed as Junior Assistant (Personnel). It is submitted by the petitioner that there are vacancies in the posts of Junior Assistant (Finance) and therefore, he wants to shift to the post of Junior Assistant (Finance). In that regard, he made several requests to the 3rd respondent but they have not been considered. Ultimately he submitted representation dated 22.01.2015 to the 3rd respondent to consider his case for shifting to the post of Junior Assistant (Finance), which is now pending. Hence, he filed the present writ petition seeking direction to the 3rd respondent to repatriate the petitioner to the cadre post of Junior Assistant (Finance) from the post of Junior Assistant (Personnel).

3. The Service Regulation 5 deals with the posting and transfer, which read as under:

“5. Posting and Transfer: (a) A member of service or class of a service may be required to serve any where and in any post borne on the cadre of such service or

class in the Corporation;

(b) Subject to the provisions of Regulation 18, all the transfers and postings shall be made by the Competent Authority.”

4. As per the above Service Regulation, it is obvious that the Corporation can direct the employee to serve in any post borne on the same cadre. However, it is submitted by the learned counsel appearing for the petitioner that there are vacancies in the posts of Junior Assistant (Finance) and they are now being filled up with direct candidates.

5. Under these circumstances, the 3rd respondent is directed to consider the representation dated 22.01.2015 submitted by the petitioner, where under he sought to shift him as Junior Assistant (Finance) and pass appropriate orders thereon, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. Pending miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 26.08.2015
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Date: 26.08.2015

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