

HON'BLE SRI JUSTICE G.CHANDRAIAH
&
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

W.P. No. 41112 of 2015

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DATE: 28.12.2015

Between:

The State of A.P.
and three others
Petitioners

..

and

B. Janardhan Reddy
and another

.. Respondents

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ORDER:- (per Hon'ble Sri Justice G. Chandraiah)

The State has filed this writ petition seeking to quash the order dated 29.10.2015 made in O.A.No. 4916 of 2015 by the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity "the Tribunal).

Initially, the 1st respondent was appointed on 05.02.1992 in Bapuram Cluster of Kowthalam Mandal, Kurnool District, and since then, he has been working in the Village Administrative System in various posts as Village Administrative Officer, Assistant Panchayat Secretary and Part-time Assistant. By virtue of the orders issued by the Government in G.O.Ms.No. 105, dated 31.01.2007, Assistant Panchayat Secretaries / Part-time Assistants under the control of Mandal Parishad Development Officer were brought to Revenue Department as Part-time Assistants with effect from 08.02.2007 in respect of Kurnool District. Accordingly, the 1st respondent joined duty as Part-time Assistant (Part-time Village Revenue Officer) in Bapuram of Kowthalam Mandal on 08.02.2007 and continued in the same place nearly 8 years. While so, it is stated that the 2nd respondent – District Collector, by proceedings dated 28.04.2015, transferred and posted the 1st respondent as

Part-time Village Revenue Officer to Tarapuram Cluster of Peddakadubur Mandal, Kurnool District on the ground that he was continuing in the same cluster for a longer time which may cause inconvenience to the smooth administration and the public. Being aggrieved by the proceedings of the District Collector, the 1st respondent filed O.A.No. 4916 of 2015 before the Tribunal. Now, the grievance of the petitioners - State is that the Tribunal, surprisingly interfered with the proceedings dated 28.04.2015 of the Collector without setting forth any reasons as to why the order of transfer passed by the Collector is otherwise not sustainable. Hence, the present writ petition is filed.

The learned Government Pleader for Services appearing for the petitioners has submitted that the 1st respondent, after joining duty in Tarapuram Cluster of Peddakadubur Mandal in pursuance of the proceedings dated 28.04.2015 issued by the Collector and consequential relieving orders dated 13.05.2015 issued by the 4th petitioner – Tahsildar, filed O.A., and the Tribunal, without applying its mind, passed an erroneous order directing the 1st respondent to continue in the native village/cluster. It is also brought to the notice of this Court that in similar circumstances, this Court, by order dated 20.07.2015 passed in W.P.No. 18266 of 2015, had taken a view that the applicant-employee therein was permitted

to make a representation to the District Collector concerned to look into the matter.

Having regard to the fact that the 1st respondent-employee, in pursuance of the transfer order dated 28.04.2015, was already relieved from duty on 13.05.2015 from Bapuram village and he joined duty on 17.07.2015 at Tarapuram of Peddakadubur Mandal and in the light of the view taken by this Court in W.P.No. 18266 of 2015, we are inclined to dispose of this writ petition with the following direction.

“The 1st respondent-employee is at liberty to make a representation to the District Collector concerned requesting the authority for consideration either to post him at a particular village/cluster or for his retention at the previous place of work.”

Subject to the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

28.12.2015

**U.DURGA PRASAD
RAO, J**

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