

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No. 27257 OF 2014

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

The petitioner seeks to challenge the correctness of the orders passed by the Andhra Pradesh Administrative Tribunal on 18.03.2014 in O.A.No. 6422 of 2012.

The petitioner has instituted O.A.No. 6422 of 2012 calling in question the correctness of the orders passed by the State Government in their G.O.Rt.No. 1502, Municipal Administration & Urban Development (G1) Department, dated 03.08.2012. It would be appropriate therefore, to notice what the State Government has set out in that G.O.Rt.No. 1502, dated 03.08.2012. The Government, by the aforesaid orders, transferred the petitioner herein, who was working as a Bill Collector, Jangaon Municipality, to Mahaboobabad Municipality, Warangal District in an existing vacancy, on administrative grounds. According to the learned counsel for the petitioner Sri Venkateshwar Varanasi, there is no vacancy available of a Bill Collector at Mahaboobabad Municipality and therefore, against of a non-existing vacancy, the petitioner has been transferred by the State Government and hence, the State Government committed an error in transferring and posting the petitioner to Mahaboobabad Municipality. He draws further inspiration, in support of this plea, from a report said to have been submitted by the Commissioner, Mahaboobabad Municipality to the State Government through the Commissioner and Director of Municipal Administration on 01.09.2012, wherein he has observed that there is no vacant post of Bill Collector to accommodate the petitioner and hence, it may lead to complications in claiming his monthly pay and allowances. It is apt to notice that in this very report submitted by the Commissioner of Mahaboobabad Municipality on 01.09.2012, he has pointed out that there used to be three sanctioned posts of Bill Collectors to Mahaboobabad Gram Panchayat prior to abolishing the

gram panchayat and constituting the same as a municipality. According to the Commissioner, three individuals were holding those three posts in the gram panchayat service. They are namely 1) Sri Perumandal Venkatamallu, 2) Sri Jeejula Upender and 3) Sri Nalamasa Uppalaiah, but however, against the name of this third person namely Sri Uppalaiah, it was clearly noted that he opted to work in gram panchayat service instead of working in the service of the municipality. Hence, the Collector (Panchayat Wing), Warangal passed orders on 05.07.2012, deputing the said Sri Uppalaiah to Nekkonda Gram Panchayat and accordingly, the said incumbent was also relieved in Mahaboobabad Municipality on 12.07.2012. In view of this very statement that one of the earlier Bill Collectors of the gram panchayat has preferred to remain in gram panchayat service and was not willing to opt for the service of the municipality, one vacancy of Bill Collector in the now constituted Mahaboobabad Municipality is clearly available. It is not the concern of the petitioner whether Sri Uppalaiah will continue on deputation basis at Nekkonda Gram Panchayat or will be transferred and posted to some other gram panchayat service. Since the said Sri Uppalaiah has not exercised the option to serve Mahaboobabad Municipality, the vacancy of Bill Collector in Mahaboobabad Municipality continues to exist and hence, we do not find any infirmity, either legal or otherwise, warranting our interference with the order passed by the Tribunal.

This Writ Petition therefore, stands dismissed. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

ANIS, J

15th September 2015

