

THE HON'BLE SRI JUSTICE K.C.BHANU

AND

THE HON'BLE MRS. JUSTICE ANIS

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WRIT PETITION No.15807 OF 2015

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ORDER: (per Hon'ble Sri Justice K.C.Bhanu)

This Writ Petition is filed challenging the order dated 19.01.2015 in O.A.No.5831 of 2014 with V.M.A.No.1142 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, "the Tribunal").

2. The unofficial respondent herein/applicant filed the aforementioned Original Application before the Tribunal to set aside the impugned order dated 20.09.2014, issued by the second petitioner herein vide No.Esst./E4(EG3)/91/2014 and the consequential order dated 22.09.2014, issued by the fourth petitioner herein vide PROD.No.CPH/Estt./OS(E)/10292-96/2014 declaring the same as illegal and arbitrary and consequently direct the petitioners herein to retain and continue him as tailoring instructor, Grade-II at Central Prison, Cherlapally, Ranga Reddy District, Hyderabad.

3. The Tribunal, upon considering the material on record, issued notices to the petitioners herein, directed them to file counter by 09.10.2014, and pending disposal of the Original Application, suspended the impugned orders dated 20.09.2014 and 22.09.2014 till 10.10.2014 and adjourned the matter to 10.10.2014. Questioning the said order of interim suspension, the Government has filed vacate application vide V.M.A.No.1142 of 2014. The Tribunal, vide order dated 19.01.2015, allowed the Original Application making interim order dated 26.09.2014 absolute and the said two proceedings issued by the second and fourth petitioners herein were set aside and accordingly the said vacate petition was dismissed. Aggrieved thereby, the Government has filed the present Writ Petition.

4. Heard learned counsel for the petitioners and party-in-person.

5. It is not in dispute before this Court that the unit of appointment of the applicant to the post of Instructor Grade-II at Cherlapally Central Prison, Ranga Reddy District is Revenue District as the said post comes under category III of Class-D of Andhra Pradesh Jails Sub-ordinate Service Rules. Now, by virtue of the impugned proceedings, he was transferred to another district i.e., District Jail, Nizamabad. Since the applicant is holding the post in which the transfers can be effected within the Revenue District of Ranga Reddy District, he cannot be transferred to District Jail, Nizamabad District. Perhaps, that is the reason why the Tribunal has rightly set aside the impugned proceedings and the consequential proceedings. Therefore, the said order of the Tribunal needs no interference by this Court. The Writ Petition is devoid of merits and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed at the stage of admission. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

J

K.C.BHANU,

ANIS, J

Date: 07.07.2015

vhb