

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE MRS. JUSTICE ANIS
WRIT PETITION No. 22724 OF 2015

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

The petitioner challenges in this Writ Petition the orders passed by the Andhra Pradesh Administrative Tribunal in O.A. No. 3338 of 2015 instituted by him against the orders of relieving him from the service of Greater Visakhapatnam Municipal Corporation.

The case of the petitioner is that he holds the substantive rank of Civil Surgeon in the service of Andhra Pradesh Public Health and Family Welfare Department. While he was working as Chief Medical Officer of Health, Vijayawada Municipal Corporation, he has been deputed to work as Chief Medical Officer of Health, Greater Visakhapatnam Municipal Corporation, through the orders passed by the State Government contained in their G.O.Rt.No. 1103, Municipal Administration and Urban Development (A2) Department, dated 11.07.2013. It is pointed out by the learned counsel for the petitioner that the State Government has passed the above order in the following terms:

“.....Further, Sri Dr. M. Satyanarayana Raju, Chief Medical Officer of Health, Vijayawada Municipal Corporation is posted as Chief Medical Officer of Health, Greater Visakhapatnam Municipal Corporation on deputation basis till his retirement, i.e. up to 31.07.2014, as per terms and conditions stipulated in the references 1st and 2nd read above with immediate effect in the interest of administration.”

Great emphasis has been supplied on the expressions used namely “till his retirement” by the State Government. It is therefore, contended that the petitioner is to retire on attaining the age of superannuation of 60 years only on 31.07.2016 and hence, he is entitled to continue on deputation basis with Greater Visakhapatnam Municipal Corporation. It is no doubt true, it is further urged, that the State Government has also used the date 31.07.2014 in the order of deputation, but however, during July 2013, when the said order of deputation namely G.O.Rt.No.

1103 was passed, the age of superannuation of government servants of Andhra Pradesh was standing as '58'. That was the reason why the date 31.07.2014 was specified by the State Government. However, it is during the month of June 2014 that the age of superannuation of government servants has been enhanced to 60 years and hence, it must be construed that the orders passed by the State Government contained in their G.O.Rt.No. 1103 shall be treated as an order of deputation of the service of the petitioner for a period of three years ie. up to 31.07.2016. Therefore, a grave error is committed by Greater Visakhapatnam Municipal Corporation in relieving the petitioner abruptly from its service. It is also further urged that his parent department never recalled the petitioner back to its service. Therefore, unilaterally the Corporation cannot act by relieving the petitioner from out of its service.

We are least impressed by any of these contentions. The petitioner does not belong to the service of Greater Visakhapatnam Municipal Corporation. He was working as its Chief Medical Officer of Health all due to the orders of deputation passed by the State Government contained in their G.O.Rt.No. 1103. The petitioner belongs to the service of the Andhra Pradesh Health and Family Welfare Department. Therefore, Greater Visakhapatnam Municipal Corporation is bound to act strictly in accordance with the orders passed by the State Government deputizing the service of the petitioner. It is for the petitioner to have solicited extension of his deputation with Greater Visakhapatnam Municipal Corporation and in case the government has conceded his request in that regard, perhaps, Greater Visakhapatnam Municipal Corporation could not have relieved him from out of its service without obtaining the consent of the State Government. In the absence of any extension of deputation of service of the petitioner, we cannot, in principle, find fault with the orders passed by the Greater Visakhapatnam Municipal Corporation. Since the petitioner does not have any legal right to

continue, on deputation basis, on his own terms, this Writ Petition is devoid of any merit and accordingly, it is dismissed at the admission stage. No costs.

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

NOOTY RAMAMOHANA RAO, J

ANIS, J

22nd July 2015

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