

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

**AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD**

WRIT PETITION No.17127 of 2016

03.06.2016

Between:

A.Prabhakara Rao

..Petitioner

And

The State of Andhra Pradesh,
represented by its Principal Secretary,
Home Department, Hyderabad and others

..Respondents

Counsel for the petitioner: Mr.D.Linga Rao for Mr.V.Ravichandran

Counsel for respondent Nos.1, 3 and 6: Government Pleader for
Services (AP)

Counsel for respondent Nos.2, 4 and 5: Government Pleader for
Services (TS)

Counsel for respondent No.7: --

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed against the final order, dated 20.04.2016, in O.A.No.1519 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, by the applicant in the said O.A.

2. The brief facts leading to the filing of this writ petition are that the petitioner was working as Additional Superintendent of Police WPC in C.I.D., in the State of Telangana as on 02.06.2014 when the unified State of Andhra Pradesh was bifurcated. The petitioner is the native of Srikakulam District. One Mrs.T.Annapurna, who is the native of Telangana State was working as Additional Superintendent of Police (Admin.), Chittoor, Andhra Pradesh. As the allocations were not made among the Police personnel between the two States, the petitioner and the said T.Annapurna requested for their mutual transfer. Accordingly, respondent No.1 issued G.O.Rt.No.110, Home (SER.I) Department, dated 18.02.2016, permitting the interstate deputation of the petitioner from the State of Telangana to the State of Andhra Pradesh and T.Annapurna from the State of Andhra Pradesh to the State of Telangana. Even prior to the issue of the said proceedings, memo No.C.No.2565/A3/CID/2015, dated 30.11.2015, was issued by the office of the Additional Director General of Police, C.I.D., Telangana State, informing the petitioner among 13 others that he is going to retire on 30.06.2016 on completion of 58 years. This was followed by G.O.Rt.No.217, Home (SER-I) Department, dated 09.02.2016, issued by respondent No.1, wherein it was notified that the petitioner among others therein was going to retire on 30.06.2016.

3. The grievance of the petitioner as projected before the Tribunal was that as he was the native of Srikakulam District within the State of Andhra Pradesh, he would have been automatically allocated to the said State if allocation has taken place, that since he is presently working in the State of Andhra Pradesh, albeit on deputation basis, he is deemed to be borne on the cadre of the said State and that

therefore, he is entitled to be continued in service up to the age of sixty years as per the policy decision of the State of Andhra Pradesh. This plea was negatived by the Tribunal and in our view rightly, by observing that the petitioner has been working in the State of Andhra Pradesh only on deputation, but not as an employee, who is borne on its cadre. On the petitioner's own showing, so far no allocation has been made and therefore, there cannot be an imaginary cadre post on the mere nativity of an employee ignoring the rules framed by the Government of India for allocation of the employees. As rightly observed by the Tribunal, since the petitioner is only on deputation, he cannot be treated as an employee allocated to the State of Andhra Pradesh, entitled to the benefit of the extended age of superannuation as on today.

4. For the aforementioned reasons, we do not find any reason to interfere with the order of the Tribunal. However, as observed by the Tribunal, in the event the petitioner is finally allocated to the State of Andhra Pradesh before his attaining sixty years, he is entitled to approach the State of Andhra Pradesh for his reinstatement and for the consequential benefits.

5. Subject to the above observations, the Writ Petition is dismissed.

6. As a sequel to dismissal of the Writ Petition, W.P.M.P.No.21085 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

03rd June, 2016

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