

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5970 OF 2009

ORDER:

This writ petition is filed by the petitioner seeking writ of mandamus by calling for order dated 02.01.2009 issued by the 5th respondent for and on behalf of the 2nd respondent and declare the same as violative of the orders dated 24.04.2008 passed by this court in W.P.No.2703 of 2008 on the ground that the same is not within the ambit of letter dated 18.04.2008 issued by the 5th respondent and also declare the same as illegal and arbitrary and set aside the same.

On 01.05.2009 this Court while admitting the writ petition, ordered W.P.M.P.No.7802 of 2009 as under:

“This is an application to suspend order dated 02.01.2009 issued by respondent No.5 on behalf of respondent No.2.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner was appointed as Junior Engineer Grade-II in Signal Department. Later on, he was selected as Depot Material Superintendent Grade-I in Signal Department. As he was not relieved from the Signal Department for joining in the newly selected post in the Stores Department, he filed WP No.2703 of 2008. Under an order passed by this Court on 24.04.2008, respondent No.5 issued memorandum dated 11.06.2008 wherein he relieved the petitioner from Signal Department to enable him to take up appointment as Depot Material Superintendent Grade –I Subject to the condition that after under going two months' initial course training and getting absorbed against working post of DMS Grade-I, the petitioner will be taken back on deputation to Signal Department and his services will be utilized for some time in view of acute position of Signal Supervisors and thereafter, he will be relieved to Store Department. After completion of training of the petitioner for nearly 5 ½ months, he was sent on deputation by the impugned proceedings dated 02.01.2009 till regular incumbents complete their training and are posted in the working posts.

In the Counter-affidavit, the respondent sought to justify this decision on the ground that there is acute shortage of

personnel in the Signal Department.

In my prima facie view, the petitioner cannot be detained in the Signal Department though he was selected and appointed in the Stores Department. The respondents will have to make their own alternative arrangements to tide over the present situation to meet the alleged shortage of personnel in the Signal Department.

The respondents are, therefore, given six months time for making these arrangements with the direction to them to relieve the petitioner on the expiry of six months' time to enable him to join in the Stores Department. This is, however, subject to the condition that the petitioner, who is stated to be on leave, shall immediately rejoin duty in the Signal Department and work for these six months' period."

When the matter is taken up today, Sri K.R.K.V.Prasad, learned counsel for the petitioner submits that he is unable to contact his client and that he has not received any instructions from the petitioner. On the other hand, Sri B.H.R.Chowdary, learned counsel for the respondents submits that the order dated 01.05.2009 passed by this Court has been implemented and thereby the grievance of the petitioner stands redressed.

Recording the submissions made by both the learned counsel, the writ petition is closed. However, liberty is given to the petitioner to approach this court either by filing a writ appeal or seeking review of the order made today. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall also stand closed.

CHALLA KODANDA RAM, J

Dated:27.01.2016.

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