THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1066 OF 2016

DATED : 01.02.2016

Between :

D. Laleppa S/o.Veeranna,
Aged about 37 yrs, Occu : Assistant Engineer,
APCPDCL, Office at Kooderu Village,
Anantapuram District,
R/o.Sharada Nagar, Phase-I,
Near Engineering College, Anantapuramu-515001.
.. Petitioner

And

The Chairman & Managing Director,
Andhra Pradesh Central Power Distribution Company,
Ltd/., (A.P.C.P.D.C.L.), Mint Compound,
Hyderabad & 2 others.
.. Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1066 of 2016

ORDER :

The case of the petitioner is that he joined in service as contract Sub-Engineer on 26.06.2002. He was promoted as Assistant Engineer and worked upto 27.12.2013. By order dated 28.12.2013, petitioner and two other persons were reverted as Sub-Engineers for want of vacancies. Petitioner was subsequently restored to the post of Assistant Executive Engineer with effect from 15.02.2014. Before this order could be served on him, Sri D. Venkata Krishna Reddy, who was under suspension was reinstated by revoking the suspension order and he was directed to report before the Assistant Divisional Engineer, Operation, Anantapuramu and for posting, the Chairman and Managing Director directed the Superintending Engineer to post the 3rd respondent to a non-operation post or an operation post with minimum HT service. Based on the said orders of the Managing Director, the 3rd respondent was given posting in the place of petitioner and later the order of restoration to the post of Assistant Engineer is implemented and petitioner is posted to Koodure village, Anantapuramu District. This writ petition is filed challenging the order of transfer and posting of petitioner and posting of 3rd respondent in the place of petitioner, where he was earlier working.

2. The transfers and posting were made in the year 2014. The only reason stated as to why the petitioner is constrained to invoke the jurisdiction of this Court at this point of time is that earlier petitioner was making representations and was moving from pillar to post ventilating his grievance and as the authorities have not acted upon his grievance, this writ petition is filed.

3. Learned counsel for the petitioner contends that the 3rd respondent was under suspension and on revocation of suspension, he was directed to be given a non-operation post but illegally he was given operation post occupied by the petitioner and such action of the superintending Engineer is illegal and amounts to arbitrary exercise of power and the same is liable to be set aside.

4. It is not in dispute that petitioner was reverted for want of

vacancies by proceedings dated 28.12.2013 and until the order of restoration is effected on the petitioner, he is deemed to be a person working as Sub-Engineer after 28.12.2013. Petitioner has no manner of lien vested in him to continue in the place where he was earlier working in higher post. On restoration to the post of Assistant Engineer, petitioner can be given posting any where, according to administrative convenience. An employee has to work wherever he is posted and cannot insist for posting at a particular place. Even assuming that wrong decision was taken by the Superintending Engineer, contrary to the orders of the Managing Director, it cannot give a cause of action for the petitioner to claim that he should be continued in Anantapuramu. Moreover such contention ought to have been raised soon after postings were made. It is also appropriate to notice that petitioner does not challenge the orders by which the 3rd respondent is posted in Anantapur Operation Unit, where petitioner earlier worked but he is only asking for restoration to the same place, where he was working prior to his reversion. No such relief as sought for can be granted in the writ petition. Thus, the Court is not inclined to entertain the writ petition at this stage and consider the grievance of the petitioner as with reference to the posting of 3rd respondent vis-à-vis the posting of the petitioner.

5. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

_____

P.NAVEEN RAO,J

1st February, 2016
Rds