

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
And
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT PETITION No.15974 OF 2016

ORDER:(per the Hon'ble Sri Justice ARR,J)

This writ petition is filed against the order dated 29.04.2016 in O.A.No.1633 of 2016 wherein the Tribunal dismissed the application challenging the notification No.12731/SR1/A1/2015 dated 22.04.2016 passed by the 6th respondent including the proceedings dated 11.07.2015 issued by the first respondent.

Learned counsel for the petitioner submits that when this Court has granted a direction not to make any final allocations in the cadre of Deputy Superintendents of Police, the present impugned notification was issued calling for options. It is also submitted that unless seniority is fixed in the cadre of Deputy Superintendents of Police, options could not have been called for as on 01.06.2014. It is also submitted that when the order passed by this Court is operating, the present notification could not have been issued. It is further submitted that Tribunal cannot dismiss the O.A. at admission stage by relaying on Section 3 of the Administrative Tribunals Act, 1985 (for short 'the Act').

Learned Government Pleader appearing for respondents 1 to 3 submits that the impugned notification is only calling for options and as on today, no final allocations have taken place and petitioner can file an application before the authorities, if he has any grievance.

The Tribunal rightly dismissed the O.A. holding that notification is only calling for options from the respective parties. It is to be seen that this Court passed interim order in W.P.M.P.No.12197 of 2016 in W.P.No.9654 of 2016, which reads as follows:

“This application is filed to direct the respondents not to make allotments in the cadre of Deputy Superintendents of Police in terms of Andhra Pradesh Re-organisation Act, 2014 without reviewing G.O.Ms.No.108, Home (Ser.I) Department, dated 23.06.2014 in pursuance of memo No.58233/Ser.I/A/2015,dated 19.05.2015, of respondent No.1.

At the hearing, learned Government Pleader for services (Telangana State) has not disputed that in the matter of allocation of Deputy Collectors between the States of Andhra Pradesh and Telangana, this Court has passed the following interim order.

“In view of guidelines No.18(f), the seniority available as on 01.08.2014 shall constitute the main basis for allocation of the employees among the two states.”

Prima facie, there does not appear to be a final seniority list prepared as per the said guidelines in the cadre of the Deputy Collectors. Hence, there shall be a direction to the respondents not to make final allocation in the cadre of the Deputy Collectors without furnishing the inter se seniority list in the said cadre, pending further orders.

As the principle based on which this Court has passed the above noted interim order in the case of allocation of Deputy Collector applies in all four to the allocation of Deputy Superintendents of Police also, there shall be a similar interim direction in this case as well with the further observation that this order shall not preclude the respondents from making final allocation after finalizing the inter se seniority in the cadre of Deputy Superintendents of

Police.”

It is to be seen that the impugned notification is only calling for options and this Court has already granted stay of allocations in the writ petition referred to above and it is also noticed that contempt application is filed alleging violation in respect of the order passed by this Court. The Tribunal also found that notification was issued only calling for options.

In view of the same and as already there is an interim order not to make final allocations finally it is found that there is no bar for the respondents in completing the exercise prior to the stage of final allocation. Section 19 Sub.section 3 of the Act, clearly says that when the Tribunal is not so satisfied, it may summarily reject the application after recording its reasons. The Tribunal has recorded sufficient reasons for dismissing the application at admission stage. Hence, the contention of the learned counsel for the petitioner cannot be accepted in the teeth of Section 19 Sub.section 3 of the Act.

In view of the same, we do not find any merit in the writ petition and the same is liable to be dismissed. Accordingly, the writ petition is dismissed. There is no order as to costs. Consequently, miscellaneous petitions pending if any in this writ petition shall stand closed.

A.RAJASHEKER REDDY, J

A.SHANKAR NARAYANA, J

05.05.2016

Rkk/Rns

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
and
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

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Date:05.05.2016

Rkk/Rns

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