

**HONOURABLE SRI JUSTICE G.CHANDRAIAH
AND
HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No. 7542 of 2005

DATED 18TH JANUARY, 2016

BETWEEN

A.Rattaiah

...Petitioner

And

The Government of AP,
Rep. by its Secretary (Home) Department,
Secretariat, Hyderabad and ors.

...Respondents

**HONOURABLE SRI JUSTICE G.CHANDRAIAH
AND
HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No. 7542 of 2005

ORDER: (Per Hon'ble Sri Justice G. CHANDRAIAH)

The petitioner herein was appointed as L.D.C. on 1.8.1972 on temporary basis in the office of the fourth respondent. After selection of regular candidates, the petitioner was ousted w.e.f. 29.3.1975. However, in terms of the orders of this Court, he was reappointed as LDC on 19.4.1975 in the office of the DEO. Thereafter he sought for mutual transfer and accordingly he was transferred to the District Police Office. As per the terms and conditions of the mutual transfer order and A.P. Ministerial Service Rules, he was placed below the Probationers working in the District Police Office. Aggrieved by

the same, he made a representation on 11.8.1997 seeking to revise his seniority. The respondents through order dated 24.11.1997 rejected the request of the petitioner stating that break in service was regularized only for pay fixation and grant of increments. Aggrieved by the same, he approached the Andhra Pradesh Administrative Tribunal by filing O.A.No.6602 of 1998. The said OA was dismissed through the order impugned in this Writ Petition dated 20.09.2004 holding that the petitioner came to the office of the District Police Office on his own request and as per the A.P. Ministerial Service Rules, he was correctly placed below the probationers working in the said Office. Dissatisfied with the ruling of the Tribunal, the petitioner preferred the Writ Petition.

It is clear from the material on record that the petitioner was transferred to the District Police Office on his own request and accordingly he joined at the place of new posting. As per the provisions contained in A.P. Ministerial Service Rules, the petitioner was placed below the probationers working in the District Police Office and keeping in view the same, the respondent authorities issued order dated 24.11.1997 rejecting his request and counting his seniority w.e.f.1.8.1972. The Tribunal considering the same in proper perspective and upheld the decision taken by the respondents. We do not see any valid and substantial reason to take a different view than the one taken by the Tribunal.

The Writ Petition is dismissed. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE G.CHANDRAIAH

JUSTICE U.DURGA PRASAD RAO

DATED 18TH JANUARY, 2016.
Msnr_x