

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

FRIDAY, THE FIFTH DAY OF FEBRUARY TWO
THOUSAND AND SIXTEEN

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Present

HON’BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.4675 of 2014

Between:

J. Narayana, S/o. Venkat Rayappa,
Aged about 53 years,
Occ: Mandal-Incharge (Housing),
P.T.M. Mandal,
Chittoor District & 14 others

.. Petitioners

AND

The A.P. State Housing Corporation Limited,
Rep. by its Managing Director,
Urdugally, Himayathnagar,
Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4675 of 2014

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ORDER:
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The petitioners are Technical Work Inspectors. They were given Mandal Incharge arrangements with effect from 07.05.2007 insofar as petitioners 1 to 6 and 14 are concerned; from 16.10.2008 insofar as petitioners 7 & 12 are concerned; from 07.03.2008 insofar as the 8th petitioner is concerned; from 15.03.2008 insofar as the 9th petitioner is concerned; from 26.11.2009 insofar as the 10th petitioner is concerned; from 20.08.2007 insofar as the 11th petitioner is concerned; from 11.11.2008 insofar as the 13th petitioner is concerned and from 16.06.2009 insofar as the 15th petitioner is concerned. By proceedings, dated 20.01.2012, the petitioners were transferred and posted as Work Inspectors and consequently incharge arrangements were given to other Assistant Engineers. Challenging the transfers and dispensing with the incharge arrangements granted to the petitioners, this writ petition is filed.

2. Learned counsel for the petitioners contend that being senior most persons, incharge arrangements were validly granted to the petitioners and there is no justification to dispense with their services as Mandal incharge and post other Assistant Engineers. According to learned counsel, the Mandal incharge is

different post from that of Assistant Engineer and there is no justification to dispense with the services of the petitioners as Mandal incharge and post other Assistant Engineers.

3. Learned Standing counsel submits that Government issued orders in G.O.Rt.No.46, dated 20.03.2007. The order is very clear that the Technical Work Inspectors are not entitled to any additional benefits and shall have no right for promotion to the post of Assistant Engineer and only to facilitate quicker payment to the beneficiaries under INDIRAMMA Housing Programme, the incharge arrangements are made. He, therefore, submits that there is no justification for the petitioner to claim that he should be continued as Mandal incharge.

4. The circular instructions in Rc.No.A5/1123/2009, dated 29.08.2011, clearly indicate the responsibilities of the Mandal incharge. The circular instructions read with Government orders in G.O.Rt.No.46 make abundantly clear that Assistant Engineer is the Mandal incharge and is entrusted with the responsibilities attached to the Mandal incharge in recording daily tour programme. He should also record the movement of Work Inspector of concerned Mandal compulsorily and should maintain Assistant Engineer Office and should have liaison with other officers of the Government. Thus, it is clear that as long as the Assistant Engineer is available, he shall be the incharge of the Mandal with reference to the affairs of the respondent-Corporation.

5. Learned Standing counsel states that there are number of Assistant Engineers available and they are entitled to be posted as incharge of Mandal and the temporary arrangement made in the year 2008 cannot be continued further.

6. There is merit in the said contention. Furthermore, admittedly, the substantive post of the petitioners is Work Inspector and by the impugned action, the petitioners are only posted back as Work Inspectors. It is not a case of reversion and no salary and allowances attached to the post of Assistant Engineer were paid and no additional and higher emoluments were paid. There is no separate post of Mandal incharge created. The nomenclature is given for the purpose of identifying the person who is incharge of the Mandal on behalf of the Corporation and the circular instructions and the Government orders referred to above would clearly show that the Assistant Engineer shall ordinarily be the Mandal incharge. Thus, I do not see any illegality in the impugned order warranting interference of this Court.

7. Subject to above observations, the Writ Petition is dismissed. However, it is needless to observe that if and when there is requirement and wherever the services of the petitioners are required, the same can be utilized notwithstanding the dismissal of the writ petition. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 5th February, 2016

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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