

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

WRIT PETITION No.8313 of 2016

Dated: 17.03.2016

Between:

S. Mallikarjun, s/o. S.Srinivasulu.

.. Petitioner

And

The Union of India, rep. by its Secretary to the Government,
Ministry of Personnel, Public Grievances and Pension,
Department of Personnel and Training, 3rd Floor,
Lok Nayak Bhavan, Khan Market, New Delhi,
and others.

.. Respondents

Counsel for the Petitioner: Mr. Guttapalem Vijaya Kumar
for Mr. K.Srinivas.

Counsel for the Respondent No.1: Mr. Heerala
for Mr. B.Narayana Reddy
(Assistant Solicitor General)

Counsel for respondent Nos.2, 5, 8:G.P for General Administration
(TS)

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Counsel for respondent Nos.3,4,6 & 7: G.P for General
Administration

(AP)

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This Court made the following:

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ORDER:
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Feeling aggrieved by order, dated 01.03.2016, in O.A.No.879 of 2016 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal'), the applicant in the said O.A has filed this writ petition.

The petitioner is the native of Andhra Pradesh and, in the context of bifurcation of the erstwhile State of Andhra Pradesh, he has given his option for the residuary State of Andhra Pradesh. He was tentatively as well as finally allocated to the State of Andhra Pradesh. Respondent No.9, who is working as Superintendent in the Directorate of Industries, Telangana State, is a native of Telangana State, but he opted for the State of Andhra Pradesh and he was also tentatively as well as finally allocated to the State of Andhra Pradesh. As respondent No.9 is holding the position of Superintendent, which is above the cadre of Senior Assistant held by the petitioner, the latter has felt aggrieved by the allocation of the former to the State of Andhra Pradesh, for the reason that his promotion chances will be affected. The Tribunal has dismissed the O.A holding that no person can challenge the allocation on the ground that his future chances of promotion will be diminished.

At the hearing, Mr. G.Vijaya Kumar, learned counsel for the petitioner, submitted that respondent Nos.3 and 4 have not taken into consideration the fact that two persons by name T.V.Sabitha Rani and S.P.Gopala Swamy, who were Superintendents and belonged to the State of Telangana, have expired after 01.06.2014 and that, since the posts were frozen as on 01.06.2014 for the purpose of allocations, the

vacancies arising on account of the death of those two persons were not considered and, as a result of the same, respondent No.9 was allocated to the State of Andhra Pradesh, instead of being allocated to the State of Telangana in one of the two vacancies.

As pleaded by the petitioner himself, as per the Andhra Pradesh Re-organisation Act, 2014, as well as the guidelines issued by respondent No.4, the State cadre posts including vacant posts are to be allocated as on 01.06.2014 only. Therefore, if vacancies have arisen after 01.06.2014 on account of retirements or deaths, the same shall not be taken into consideration for the purpose of allocation. Admittedly, respondent No.9 is holding a superior position to the petitioner and his option was accepted in terms of the final guidelines, dated 29.10.2014, framed by respondent No.1. In this view of the matter, the Tribunal has rightly declined to interfere with the final allocation of respondent No.9.

Therefore, we do not find any merit in this writ petition and the same is, accordingly, dismissed.

As a sequel to the dismissal of the writ petition, WPMP.No.10540 of 2016 filed by the petitioner for interim relief stands disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

M.S.K.JAISWAL,J

17.03.2016
v v

