

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26279 OF 2012

DATED : 29.01.2016

Between :

Putta Ramanadham S/o.Prakasa Rao,
Aged about 49 yrs, Occu : Mandal Engineer,
AP State Housing Corporation Limited,
Veligonda, Prakasam District.

.. Petitioner

And

A.P.State Housing Corporation Limited,
Rep., by its Managing Director,
Himayatnagar, Hyderabad & others.

.. Respondents

This court made the following :

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ORDER :

The petitioner is a Technical Work Inspector. He was given Mandal incharge arrangements in the year 2008. By proceedings dated 10.07.2012 he was transferred and posted as Work Inspector and consequently incharge arrangements were given to another Assistant Engineer. Challenging the transfer and dispensing with the incharge arrangements granted to the petitioner, this writ petition is filed.

2. Learned counsel for the petitioner contends that being a senior most person, incharge arrangements were validly granted to the petitioner and there is no justification to dispense with his service as Mandal incharge and post another Assistant Engineer. 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 petitioner as Mandal incharge and post another Assistant Engineer.

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 petitioner is Work Inspector and by the impugned action, the petitioner is only posted back as Work Inspector. 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. The Writ Petition is dismissed. However, it is needless to observe that if and when there is requirement and wherever the services of the petitioner 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 dismissed.

29th January, 2016
Rds

P.NAVEEN RAO,J