

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND**

HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No. 15065 OF 2016

Date: 28.04.2016

Between:

Kinthada Govinda Krishna,
Vijayawada.

..... Petitioner

And:

The Union of India,
Rep. by its Secretary,
Ministry of Personnel, P.G and Pensions,
Department of Personnel and Training,
3rd Floor, Loknaya Bhavan, Khan Market,
New Delhi, and others.

.....Respondents

Counsel for the Petitioner: Sri P. Lakshmana Rao

Counsel for Respondent Nos.1 and 2:

Counsel for Respondent Nos.3 to 5:

Counsel for Respondent No.2: --

The Court made the following:

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ORDER (Per the Hon'ble Sri Justice C.V.Nagarijuna Reddy)

This writ petition is filed for a certiorari to quash order dated 13.04.2016 in O.A.No.1375 of 2016 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal').

The petitioner is a Junior Analyst in Drugs Control Laboratory, Vijayawada, Krishna District. Consequent on the formation of the State of Telangana, the employees of the Drugs Control Department were allocated between the two States. The petitioner falls under category 10 – Junior Analyst while respondent No.9 falls under category 8 – Junior Scientific Officer. As per the option given by the petitioner, he was allotted to the State of Andhra Pradesh. However, not satisfied with the same, the petitioner approached the Tribunal with the grievance that respondent No.9, a Junior Scientific Officer, falling under category 8 was allocated to the State of Andhra Pradesh instead of being allocated to the State of Telangana. It was his contention before the Tribunal that though respondent No.9 has opted for the State of Telangana, the respondents concerned have allocated him to the State of Andhra Pradesh and that by such allocation his future promotion chances were seriously affected. The Tribunal rejected this plea and in our view rightly.

From the admitted facts of the case, it is evident that the petitioner is lower in rank than respondent No.9. Therefore, he cannot claim any parity with respondent No.9 in the matter of allocation.

The learned Government Pleader for Services (Telangana) submitted that out of five posts of Junior Scientific Officer, three were allocated to the State of Telangana and two were allocated to the State of Andhra Pradesh. That since two of the five Junior Scientific Officers had to be allocated to the State of Andhra Pradesh, one Lanka Venkata Kutumba Naga Ramalingeswara Rao and respondent No.9 - the junior most among the five officers were allocated to the State of Andhra Pradesh. He has further argued that there is no merit in the plea of the petitioner that by allocating respondent No.9 to the State of

Andhra Pradesh, the petitioner's promotion chances were affected, inasmuch as even if any of the officers shown as 1 to 3 in category 8, who were allocated to the State of Telangana were allocated to the State of Andhra Pradesh, being Junior Scientific Officers, all of them would be seniors to the petitioner.

We find merit in the submission of the learned Government Pleader. In strict sense, the petitioner cannot change the allocation of somebody else when the option given by him was accepted. Moreover, the petitioner failed to demonstrate with reference to any statutory provision or the administrative norms that in allocation of respondent No.9 to the State of Andhra Pradesh, the respondents concerned have violated any such provision or norm.

In the light of the above facts, the Tribunal has rightly dismissed the O.A and we do not find any reason to interfere with its order impugned in this writ petition.

The Writ Petition is accordingly dismissed.

As a sequel, W.P.M.P.No.18705 of 2016 filed by the petitioner for interim relief stands disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

Date: 18.02.2016

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