

HON'BLE SRI JUSTICE G. CHANDRAIAH
&
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

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W.P.Nos. 2733 & 2738 of 2016

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DATE: 08.02.2016

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W.P. No. 2733 of 2016

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Between:

Konduru Subbaraju .. Petitioner

And

The State of A.P.
and five others .. Respondents

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W.P. No. 2738 of 2016

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Between:

Konduru Raghupathi Raju .. Petitioner

And

The State of A.P.
and five others .. Respondents

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COMMON ORDER:- (per Hon'ble Sri Justice G. Chandraiah)

Inasmuch as the question of fact and law involved in these two writ petitions is one and the same, these matters are taken up together for disposal by this common order.

The petitioners, who are natives of Kadapa District, Andhra Pradesh, were appointed as Warders (Male) in A.P. Jail

Sub-ordinate Service Department on 16.10.1995 at Central Prison, Kadapa and subsequently promoted as Head Warders. While so, it is stated that the 2nd respondent, vide Notification dated 01.06.2015, published a tentative allocation list of State Cadre Employees of Director General of Prisons and Correctional Services wherein the petitioners were tentatively allocated to Telangana State. When the petitioners made representations dated 12.06.2015 to Kamalanathan Committee through Head of the Department requesting to allocate them to the State of Andhra Pradesh as they belong to Kadapa and in the event of their allocation to the State of Telangana, the education of their children, who

are studying in Andhra Pradesh, will be affected, the 4th respondent, without considering the representations, issued orders dated 08.01.2016 allocating them to the Telangana State and consequential orders dated 11.01.2016 were issued by the 5th respondent directing the Heads of the Departments to relieve the petitioners from the state of Andhra Pradesh and allocate them to Telangana State. Challenging these orders, the petitioners filed O.A.Nos. 45 & 46 of 2016 along with applications seeking interim suspension of the operation of the orders of the 4th and 5th respondents, and now, their grievance is that the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity “the Tribunal”), by order dated 21.01.2016, has not granted the interim relief, however while admitting the O.As. and ordering notices to the respondents returnable in six weeks, observed that final allocation of the applicants to the State of Telangana will be subject to final result in the O.A. Being aggrieved by the orders of the Tribunal, the petitioners have filed the present writ petitions.

Sri K.G.Krishna Murthy, learned senior counsel for the petitioners, has submitted that as there are number of vacancies in the State of Andhra Pradesh and the petitioners belong to Kadapa District, their continuance in Andhra Pradesh may not be disturbed. He further submits that there is sufficient material to satisfy the Tribunal for grant of interim relief, however the Tribunal has failed to

look into the same in proper perspective and passed the impugned orders erroneously. He also submits that as the representations made by the petitioners are pending consideration, the Government may be directed to consider them and pass appropriate orders.

The learned Government Pleader for Services appearing for the respondents has submitted that these matters relate to a batch of O.As. pending adjudication before the Tribunal wherein a common consequential relief sought for is for implementation of the provisions of the Andhra Pradesh Re-organization Act, 2014.

Having regard to the submissions made by the learned counsel for both the parties and having perused the material placed on record, we are not inclined to go into the merits of the case, but deem it appropriate to dispose of the writ petitions with the following observation:

“It is left open to the petitioners to file separate Miscellaneous Applications before the Tribunal setting out facts and circumstances of the case and seeking appropriate reliefs and also await service of notices on the respondents therein and till the O.As. are taken up for hearing and adjudication”.

With the above observation, these writ petitions are disposed of. No order as to costs.

As a sequel to the disposal of the writ petitions, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

08.02.2016

U.DURGA PRASAD
RAO,J

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