

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

And

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.14494 OF 2017

ORDER: (Oral, *Per* Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present Petition, the petitioner assails the order, dated 15.02.2017, passed in O.A. No.354 of 2017 by the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal'); whereby the O.A. filed by the petitioner, under Section 19 of the Administrative Tribunals Act, 1985 seeking to set-aside the impugned proceedings in Roc.No.182/B/2017, issued by the Assistant Director (Animal Husbandry), Chittoor - 4th respondent herein, was dismissed.

The case of the petitioner is that though she is a diabetic patient, she is being deputed from one place to another by the 4th respondent, who has no power to order deputations, and Joint Director of Animal Husbandry is only the competent person to issue orders of transfers and deputations.

Learned counsel appearing on behalf of the petitioner submits that as per instruction (4) under F.R. 49, the Departments of Secretariat/Heads of Departments/Heads of Offices are informed not to resort to the practice of making additional charge arrangements against newly created posts, under any circumstances, as it is not in accordance with rules. Further, as per Rule 10 of The A.P. Animal Husbandry Service Rules, the Director of Animal Husbandry is the competent authority to post and transfer of Assistant Directors and Veterinary Assistant Surgeons; the Joint Director in charge of a District is competent to transfer Veterinary Assistant Surgeons within their respective districts; the Government is the competent authority to make postings and transfers in respect of all other

categories of posts in the service and the Director is the competent authority to post Veterinary Assistant Surgeons to his office and to the State Level Offices.

Initially, *vide* the proceedings of the Joint Director, Animal Husbandry, Chittoor, 3rd respondent herein, in Roc.No.2263/B/2016 dated 01.09.2016, the petitioner who was working as Junior Veterinary Officer, Rural Livestock Unit (RLU), Muthirevula was promoted as Veterinary Livestock Officer and posted at RLU, Sankranthipalli with a direction to the concerned Assistant Director to relieve the petitioner by making alternative arrangements and admit her in the new place allotted and as such to intimate the date of her relief and joining to the office of the 3rd respondent, promptly.

Subsequently, *vide* Proceedings of the 4th respondent in Roc.No.1134/B/2016, dated 02.09.2016, the petitioner, who was temporarily promoted as Veterinary Livestock Officer and posted to RLU, Sankranthipalli was instructed to report before the Veterinary Assistant Surgeon, Veterinary Dispensary, Nalagampalli with a further direction to report before the Veterinary Assistant Surgeon, Veterinary Dispensary, Nalagampalli for further orders, who in turn was also requested to admit the petitioner as Veterinary Livestock Officer at RLU, Sankranthipalli and inform the date of her joining to the office of 4th respondent, promptly.

Thereafter, the petitioner, after joining at RLU Sankranthipalli, was also instructed to work at RLU, Muthirevula on work arrangement basis until further orders. Thereafter, as per the proceedings of the 4th respondent in Roc.No.182/B/20127, dated 24.01.2017, the petitioner, Veterinary Livestock Officer, RLU, Sankranthipalli, who is on deputation to work at RLU, Muthirevula and Murakambattu is instructed to hand over

complete charge of the above units to Sri V. Narasimhulu, Junior Veterinary Officer, Veterinary Dispensary, Etteri and as such the Veterinary Assistant Surgeon, Veterinary Dispensary, Gudipala is requested to admit the petitioner at RLU, Ramapuram with a direction to furnish her attendance certificate to the Veterinary Assistant Surgeon, Veterinary Dispensary, Nalagampalli to draw and disburse her pay and allowances.

Learned Government Pleader for Services, appearing on behalf of the respondents 1 to 4, contends that orders dated 02.09.2016 and 24.01.2017, passed by the 4th respondent in directing the petitioner to work at her new places, is neither a deputation nor a transfer and it is only a time gap arrangement for a very short period; as and when the requirement is over, the petitioner would be sent to her original post.

We note *vide* the proceedings dated 02.09.2016, the petitioner, who was working as Junior Veterinary Officer, RLU, Muthirevula, temporarily got promoted as Veterinary Livestock Officer and posted at RLU, Sankranthipalli, was directed to work at RLU, Muthirevula on work arrangement basis, until further orders. Subsequently, *vide* the proceedings dated 24.01.2017, the petitioner, who is on deputation to work at RLU, Muthirevula and Murakambattu is instructed to hand over complete charge of those two units to Sri V. Narasimhulu, Junior Veterinary officer, Veterinary Dispensary, Etteri and the Veterinary Assistant Surgeon, Veterinary Dispensary, Gudipala is requested to admit the petitioner at RLU, Ramapuram.

Thus, the orders dated 02.09.2016 and 24.01.2017, passed by the 4th respondent, show that he is passing the orders one after the other against the petitioner with an ulterior motive. Moreover, as per the A.P.

Animal Husbandry Service Rules, for the purpose of posting and transfers, Joint Director is only the competent authority to transfer the petitioner. Further, as per instruction (4) under F.R. 49, the competent authority can only send the petitioner either on deputation or on a transfer. But, in the case on hand, the Assistant Director, 4th respondent herein, has taken the call for passing the order dated 24.01.2017.

Hence, the Writ Petition is allowed setting-aside the order dated 15.02.2017 passed in O.A. No.354 of 2017 by the Tribunal. Consequently, the order impugned before the Tribunal dated 24.01.2017, issued by the 4th respondent, stands set-aside.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.



SURESH KUMAR KAIT, J

Dr. JUSTICE SHAMEEM AKTHER, J

Date: 20-07-2017.
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HON'BLE SRI JUSTICE SURESH KUMAR KAIT

And

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WRIT PETITION No.14494 OF 2017

(Order of the Division Bench delivered by
Hon'ble Sri Justice Suresh Kumar Kait)

Date. 20-07-2017

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