

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SMT JUSTICE K.VIJAYA LAKSHMI

WRIT PETITION No.21285 of 2017

Date:11.10.2017

Between.

P.Nageswara Rao,
S/o Bhaskar Rao

..... Petitioner

And.

The State of A.P., repto by
its Principal Secretary,
Social Welfare Department,
Velagapudi and five others.

.....Respondents

Counsel for the petitioner: Mr. K.Kirthi Teja

Counsel for the respondents: GP for Services (AP)

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The unsuccessful applicant in Original Application No.1337 of 2017 filed this Writ Petition feeling aggrieved by the dismissal of the said O.A. by the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal') by its order, dated 06.6.2017.

We have heard Mr. K.Kirthi Teja, learned counsel for the petitioner and the learned Government Pleader for Services (Andhra Pradesh).

The petitioner has been working as Hostel Welfare Officer Grade-II since 28.7.2004. When he was working in the said post at Challapalli, Krishna District his turn for transfer has matured. Accordingly, he was transferred from Challapalli, Krishna District to Social Welfare Boys Hostel, Prakashnagar, Vijayawada, Krishna District. He questioned his transfer and posting to the said place on the ground that the respondents have not posted him at one of the three places opted by him, viz., Avanigadda, Mopidevi and Machilipatnam. This plea of the petitioner was rejected by the Tribunal on the ground that as per the guidelines/instructions pertaining to transfer and postings of the employees contained in G.O.Ms.No.64, Finance

(HJR.I.PLG&POLICY) Department, dated 21.4.2017, the employees who have secured higher points were accommodated at the places of their choice; that as the petitioner has secured only 51 points, he could not be accommodated at the places opted by him; and that he was transferred to Prakashnagar, Vijayawada, which was the only place vacant at the relevant time.

As no counter-affidavit was filed by the respondents in the said O.A. before the Tribunal, they have filed a counter-affidavit in this Writ Petition. It is averred in the counter-affidavit that among all the 8 Hostel Welfare Officers, the petitioner has got less points, *i.e.*, only 51 points.

Mr. K.Kirthi Teja, learned counsel for the petitioner, has drawn our attention to the tabular statements filed by the respondents along with the counter-affidavit and submitted that though the petitioner has secured 5 points for 'Soak pits', while calculating, the respondents have credited 0 points; that as against 10 points secured by him for 'Clean & Green', only 5 points were credited to the petitioner; and that as against 5 points awarded for 'Sweekaram Programme', 0 points were credited to him.

On verification of the said tabular statement, we find that this submission of the learned counsel for the petitioner is correct. If 15 points are added, the petitioner will get 66 points as against the 65 points secured by one R.Prasad Rao, shown at Serial No.7.

At the hearing, it is brought to our notice that all the Hostel Welfare Officers including the petitioner have been working at their respective transferred places. The aforesaid Mr. R.Prasad Rao has not been impleaded either in the said O.A. or in this Writ Petition. Though a mistake was committed by the respondents in calculating the total points secured by the petitioner and his claim needs reconsideration, due to the fact that if the option given by the petitioner is accepted, it may result in replacement of the said R.Prasad Rao. As the said person is not a party to these proceedings, his interests would be adversely affected in such event. Hence, we are not inclined to disturb the existing arrangement at this point of time. However, as the petitioner has suffered injustice on account of improper calculation of points by the respondents and was denied the place of his choice, the respondents are directed to consider his case for transfer to the place of his choice at the end of the current year, by properly calculating the points secured by him.

Subject to the above observations and directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.Nos.26170 and 26171 of 2017 stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE K.VIJAYA LAKSHMI

11th October 2017

DR

