

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31583 OF 2012

ORDER:

This writ petition is filed challenging the proceedings in R.C.No.Zone-IV/2264/2012, dated 06-10-2012 issued by the 1st respondent and consequential memo in R.C.No.Z-IV/2264/2012, dated 06-10-2012, wherein the 1st respondent set aside the order dated 29-06-2012 transferring the petitioner to Kurnool as Principal, Grade I, APSWRS/JC.

It is the case of the petitioner that the Government issued orders vide GO Rt.No.421, dated 11-06-2012 to conduct counseling for the transfers of Principals/Teaching and non-Teaching staff of APSWREI Society for the year 2012-13. As per the said G.O.Rt., the petitioner applied for transfer and thereafter, the petitioner participated in counseling and basing on the marks, he was transferred and posted as Principal Grade-I, Kurnool in the existing vacancy. While so, the 3rd respondent filed appeal against the same before the 1st respondent and the 1st respondent without issuing notice to the petitioner straightaway passed the impugned order, dated 06-10-2012 setting aside the transfer order of the petitioner. Thereafter, the 2nd respondent issued consequential proceedings dated 06-10-2012. which is in violation of principles of natural justice and against the guidelines issued by the Government in GO Rt.No.421, dated 11-06-2012.

This Court granted interim order on 08-10-2012, which reads as under:

“The impugned proceeding dated 06-10-2012 passed by the Chairman of the APSWREIS in the appeal filed by the third respondent nullifies the transfer of the petitioner under proceedings dated 29-06-2012 passed by the Vice Chairman, APSWREIS. The petitioner was not even put on notice before the appellate authority passed the order.

In the light of the clear violation of the principles of natural justice, there shall be an interim suspension of the impugned proceeding dated 06-10-2012. The APSWREIS shall continue the petitioner as a Principal at Kurnool in accordance with his transfer proceedings dated 29-06-2012.”

No counter affidavit is filed disputing the said facts. In view of the same, the impugned order is liable to be set aside for violation of principles of natural justice and already more than four years have been elapsed from the date of interim order.

In view of the same, the impugned order is set aside and the petitioner shall continue at Kurnool as per rules in force.

Accordingly, this writ petition is allowed to the extent indicated above. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

04-01-2017
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