

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 36888 of 2017

Order:

The petitioner states that he belongs to Scheduled Caste (Mala) community and he acquired Post-Graduation in M.Sc., from Kakatiya University, Warangal, during the year 1993. Subsequently, he acquired B.Ed., degree from Osmania University in the year 1994. Pursuant to the notification issued by the A.P. Public Service Commission (APPSC), he was initially appointed as Junior Lecturer in Chemistry on 17.12.2004 and posted at Government Junior College, Enkoor, Khammam District. Thereafter, he was transferred to the Government Junior College, Sathupally. When he was working in the Government Junior College, Penuballi, Khammam District, he was also given full additional charge as Principal. He was elected as General Secretary, Government Colleges Scheduled Caste and Scheduled Tribe Employees Association, Telangana. It is the case of the petitioner that when he was espousing the cause of one Contract Lecturer, Ch. Veera Raju who was working in the Government Junior College, Aswaraopeta, Khammam District, at the instance of rival Union office bearers and some others, a complaint was lodged against him with concocted allegations and on the basis of the same he was kept under suspension by proceedings dated 20.09.2016. When a Writ Petition was filed challenging the said order, the Writ Petition was disposed of on 20.04.2017 giving liberty to the petitioner to file an appeal before the Appellate Authority and the Appellate Authority was directed to dispose of the appeal within two months. Accordingly, he filed an appeal on 25.04.2017 against the order of suspension and, when the said appeal was not disposed of, he filed Contempt Case No.1681 of 2017. Thereafter, the first respondent issued proceedings on 21.08.2017

reinstating the petitioner into service, but posting him to Government Junior College, Mahabubabad, instead of retaining him at Penuballi, where he was working at the time of suspension. The petitioner submitted a representation on 31.08.2017 to the respondents 1 and 2 to retain him at Penuballi or at least post him at Sathupally which is nearer to the place of working of his wife. When the representation of the petitioner was not considered, another representation was submitted on 28.10.2017 to the first respondent, but no orders have been passed. In those circumstances, he filed the present Writ Petition challenging the order dated 21.08.2017 posting him at Government Junior College, Mahabubabad.

There is no dispute with regard to the fact of petitioner working in Government Junior College, Penuballi at the time of suspension. Now the competent authority withdrew the order of suspension and posted the petitioner at Government Junior College, Mahabubabad and it is a discretionary order of the first respondent. The said order cannot be interfered with by this Court in exercise of its power under Article 226 of the Constitution of India.

The Writ Petition is, accordingly, dismissed. However, in view of the difficulties expressed by the petitioner in his representations dated 31.08.2017 and 28.10.2017, it is for the first respondent to consider the same and the dismissal of the present Writ Petition does not stand in the way of the first respondent in considering the said representations. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 03.11.2017
Nsr

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO



Date: 03.11.2017

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