* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

+ Writ Petition Nos.37517, 37622,
37634 and 37641 of 2017

% 09-11-2017

K.Srinivasulu (PC 2172), S/o. K.Jaya Ramaiah,
Aged about 43 years, Occ: Police Constable, Rapur P.S.,
Rapur Mandal, SPSR Nellore District (W.P.No.37517/2017);
and 3 others

... Petitioners

Vs.

$ 1. The State of A.P., Rep. by its Prl. Secretary, Home Dept.,
Secretariat, Velagapudi, Guntur District

2. The Director General of Police, State of A.P.,
Vijayawada, Krishna District

3. The Deputy Inspector General of Police,
Guntur Range, Guntur District

4. The Superintendent of Police, Nellore,
SPSR Nellore District

... Respondents

! Counsel for the Petitioners: Mr. G.Vidya Sagar,
Senior Counsel, representing
Mr. K.Muralidhar Reddy

Counsel for Respondents: Government Pleader for
Home (Andhra Pradesh)

< Gist:

> Head Note:

? Cases referred:
Nil.

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Common Order: (per V.Ramasubramanian, J.)

Aggrieved by the refusal of the Government to give retrospective effect from 01-01-2008 to a weightage formula fixed by the Government to G.O.Ms.No.95, Home (Legal.II) Department, dated 31-5-2017, for transfer/conversion of Civil Police Constable from Armed Reserve, the petitioners in all these writ petitions filed original applications before the Andhra Pradesh Administrative Tribunal, Hyderabad. While ordering notice in the original applications, the Tribunal refused to pass interim directions but merely stated that any further orders pursuant to the questioned Government Order will be subject to the result of the original applications.

2. Contending that the Tribunal ought to have granted an interim direction, the applicants before the Tribunal have come up with the present writ petitions.

3. Heard Mr. G.Vidya Sagar, learned Senior Counsel for the petitioners.

4. The main prayer made by the petitioners in their original applications reads as follows:

> "In view of the facts mentioned in para 6 above, the applicant prays that this Hon'ble Tribunal may be pleased to declare the action of the 1st respondent in issuing the orders made in G.O.Ms.No.95, Home (Legal.II) Department, dated 31-5-2017, by fixing the weightage formula in respect of transfer/conversion of the Civil Police Constables from Armed Reserve of one year for every completed two years of

service rendered as Police Constables (AR/SAR CPL) (Men) subject to a maximum of several years without giving retrospective effect from 01-01-2008 as was made in fixing the weightage of formula in respect of transfer/conversion of the Armed Reserve Police Constables from A.P.S.P. through the orders made in G.O.Ms.No.1, Home (Legal.II) Department, dated 07-01-2016, even though both the orders were issued based on the Committee report of the 2nd respondent in Rc.No.60/E3/2014, dated 22-02-2014, is arbitrary, discriminatory and unreasonable and consequently direct the 1st respondent to consider the case of the applicant by issuing orders in fixing the formula of weightage of transfer/conversion of the Civil Police Constables from Armed Reserve of one year for every completed two years of service rendered as Police Constables (AR/SAR CPL) (Men) subject to a maximum of seven years with effect 01-01-2008 as was made in the similar orders in G.O.Ms.No.1, Home (Legal.II) Department, dated 07-01-2016, by cancelling the orders of the 2nd respondent made in Rc.No.60/E3/2014, dated 26-10-2017 and to pass such other and further orders as this Hon'ble Tribunal deems fit and proper."

5. The interim relief sought by the petitioners is as follows:

"Pending disposal of the main OA, it is further prayed that this Hon'ble Tribunal may be pleased to direct the 1st respondent to consider the case of the applicant by issuing orders in fixing the formula of weightage of transfer/conversion of the Civil Police Constables from Armed Reserve of one year for every completed two years of service rendered as Police Constables (AR/SAR CPL) (Men) subject to a maximum of seven years with effect 01-01-2008 and till then not to give effect to the Memorandum of the 2nd respondent made in Rc.No.60/E3/2014, dated 26-10-2017 and to pass such other and further orders as this Hon'ble Tribunal deems fit and proper in the circumstances of the case."

6. From a reading of the main prayer and the interim prayer made by the petitioners before the Tribunal, it will be

clear that the grant of an interim direction, would tantamount to temporarily allowing the original applications. Therefore, the Tribunal was right in not granting any interim relief.

7. Mr. G.Vidya Sagar, learned Senior Counsel appearing for the petitioners, requested that at least the Government may be directed to pass orders on the representations of the petitioners for extension of same benefits as granted under G.O.Ms.No.1, dated 07-01-2016. But to issue such a direction, the petitioners should withdraw their original applications. The learned Senior Counsel stated that the petitioners are prepared to withdraw the original applications before the Tribunal.

8. Therefore, in the light of the aforesaid statement, the writ petitions are disposed of, directing the Principal Secretary to Government, who is the 1st respondent herein, to consider the representations of the petitioners dated 21-6-2017, if the petitioners withdraw their original applications before the Tribunal, and pass appropriate orders in accordance with law, within a period of 8 (eight) weeks from the date of receipt of a copy of this order. The miscellaneous petitions, if any, pending in these writ petitions shall stand closed. No costs.

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V.RAMASUBRAMANIAN, J.

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M.GANGA RAO, J.

09th November, 2017.
Note:- Issue C.C. in two days.
(B/o) Ak

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Petition Nos.37517, 37622,
37634 and 37641 of 2017
(per VRS, J.)

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

09th November, 2017.
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