

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 386 of 2016

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 09.11.2015 in O.A.No. 4714 of 2015 passed by the A.P. Administrative Tribunal, Hyderabad whereby the application filed by the 1st respondent under Section 19 of the Administrative Tribunals Act, 1985, has been allowed.

The case of the 1st respondent is that she was initially appointed as part-time vocational instructor with effect from 22.10.1988. Though her services were regularized in the month of February, 2009 in the present vacancy, she has been working as Craft Instructor in pursuance of the regularization. As of now, the 1st respondent has completed 11 years of service in Z.P. High School, Gummadidala, Jinnaram Mandal, Medak District. Accordingly to Rule 5(1)(b) of Telangana Teachers (Regulation of Transfers) Rules, 2015 as enumerated in the order issued by the Government in G.O.Ms.No. 12, Education dated 16.06.2015, all those teachers, who have completed 8 years of service in a particular station, shall be compulsorily transferred. Since the 1st respondent had completed 8 years of service at the relevant time in the present School, she participated in the counseling, but no

orders were issued in her favour. Being aggrieved, she filed O.A.No. 4714 of 2015 before the Tribunal.

The case of the petitioners is that the services of the 1st respondent were regularized in terms of G.O.Ms.No. 31, SE (Prog.-I) Dept., dated 13.02.2009 in knitting and garment making in Z.P.H.S, Gummadidala under the management of Zilla Parishad. The 1st respondent has requested to transfer her from Gummadidala to Z.P.H.S (Boys), Patancheru in the vacancy shown for the post of Craft Instructor. The 1st respondent cannot be transferred from the post of Vocational Teacher (knitting and garment making) to the post of Craft Teacher (carpentry). There is no existing post of knitting and garment making in Z.P.H.S (Boys), Patancheru. Hence, the request of the individual cannot be considered for transfer to the post of Craft Teacher at ZPHS (boys), Patancheru which is shown as vacant. It is further submitted that the learned Tribunal has ignored all these factors and erroneously allowed the O.A. filed by the 1st respondent.

The learned Tribunal perused the entries made in service register of the 1st respondent which are as follows:

“As per G.O.Ms.No.31 SE (Prog.I) Dept., dated 13.02.2009, G.O.Ms.No. 38 SE (Prog.I) Dept., dated 28.02.2009 and G.O.Ms.No. 84 SE (Prog.U) Dept., dated 24.07.2009, the incumbent has been absorbed into regular existing craft instructor vacant post in the regular time scale of Rs.5,470-12,385 w.e.f. 13.02.2009, vide the DSE, A.P., Hyd. Proc.Pc.No. 466/ VE-1/ 2006,

dated 01.08.2009 and the D.E.O., Medak Pro.No. 6508/ C3/ 2009, dated 29.08.2009.”

In view of the above entries made in the service register, the 1st respondent was absorbed in regular vacancy of Craft Instructor in the regular time scale of pay.

It is not in dispute that the services of the 1st respondent were regularized on the strength of the post of Craft Instructor, but at S.No.2 of Annexure-I, it is established that the post of Craft Instructor was shifted from Z.P.H.S., Makkarajpet to Z.P.H.S., Gummididala. Thus, the 1st respondent was shifted as per Annexure-I. At S.No.11 of the Annexure-I, it is mentioned that there is a post of knitting and garment making at Patancheru as the same post was shifted from Z.P.H.S., Jharasangam to Z.P.G.H.S., Patancheru. The said post was shifted from the post of Craft Instructor. Thus, the petitioners cannot say that there was no vacant post in the cadre of Craft Instructor at Patancheru.

In view of the above, we find no ground to interfere with the order of the Tribunal.

The writ petition is devoid of merit and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

02.07.2018

ABHINAND KUMAR SHAVILI, J

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