

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.7799 of 2018

ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

Heard Dr.K.Lakshmi Narasimha, learned counsel for the petitioner, learned Government Pleader for Services (AP), learned Government Pleader for Services (TG), learned Advocate General for the State of Andhra Pradesh appearing on behalf of the Andhra Pradesh Vaidya Vidhana Parishad and Ms. Rachna S Waddepalli, learned Standing Counsel for the Telangana Vaidya Vidhana Parishad and, with their consent, the Writ Petition is disposed of at the stage of admission.

The relief sought for in this writ petition is for a mandamus to quash the impugned order dated 13.01.2016 passed by the State of Telangana, retiring the petitioner from service, as being illegal and arbitrary; to declare that the petitioner is entitled to be continued in service till he attains the age of 63 years on par with others, who are identically placed and working in the State of Andhra Pradesh, and to be repatriated to the State of Andhra Pradesh; to direct the State of Telangana and the Telangana Vaidya Vidhana Parishad to immediately relieve the petitioner from duties so as to report to the Andhra Pradesh Vaidya Vidhana Parishad; and to direct the Andhra Pradesh Vaidya Vidhana Parishad to accept and admit him into duty with all consequential benefits.

It is, indeed, disconcerting that, though more than three and half years have elapsed since the erstwhile State of Andhra Pradesh was bifurcated on 02.06.2014 into the States of Telangana and the present State of Andhra Pradesh, the exercise of prescribing

modalities, for bifurcation of employees of the erstwhile Andhra Pradesh Vaidya Vidhana Parishad and the distribution of these employees based on such modalities between both the States has not yet commenced.

Learned Advocate General for the State of Andhra Pradesh would submit that, despite a letter having been addressed to the Special Chief Secretary to the Government of Telangana, marking a copy thereof to the Commissioner, Telangana Vaidya Vidhana Parishad on 30.10.2017 requesting them to frame modalities along with the Commissioner of the Andhra Pradesh Vaidya Vidhana Parishad, no action has been taken so far.

Section 82 of the Andhra Pradesh Reorganisation Act, 2014 (for short “the Act”) stipulates that, on and from the appointed day, employees of State Public Sector Undertakings, corporations and other autonomous bodies shall continue to function in such undertaking, corporation or autonomous bodies for a period of one year; and during this period the corporate body concerned shall determine the modalities for distributing the personnel between the two successor States.

It is not in dispute that the erstwhile Andhra Pradesh Vaidya Vidhana Parishad is an autonomous body falling under Section 82 of the Act. In terms of Section 82 of the Act, the erstwhile Andhra Pradesh Vaidya Vidhana Parishad was obligated to frame modalities within one year from 02.06.2014 i.e before 02.06.2015 for distributing its personnel between the two successor corporations i.e the Telangana Vaidya Vidhana Parishad and the present Andhra Pradesh Vaidya Vidhana Parishad. This exercise has not even commenced till date.

We consider it appropriate, therefore, to dispose of the Writ Petition directing the Commissioner, Telangana Vaidya Vidhana Parishad, along with the Commissioner, Andhra Pradesh Vaidya Vidhana Parishad, to frame modalities for distribution of employees of the erstwhile Andhra Pradesh Vaidya Vidhana Parishad (those employees working before 02.06.2014) between the Telangana Vaidya Vidhana Parishad and the present Andhra Pradesh Vaidya Vidhana Parishad. The modalities for distribution of these employees shall be finalised within four weeks from today, and the entire exercise of final allocation of these employees, between the two successor corporations, shall be completed within eight weeks thereafter.

The Writ Petition is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

12th March, 2018
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**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**



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Date: 12.03.2018

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