

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.15328 of 2018

Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Sri D. Ramakrishna, learned counsel for the petitioners, and the learned Government Pleader for Services (Telangana) and, with their consent, the Writ Petition is disposed of at the stage of admission.

The first petitioner was working as a Lecturer in a Government Degree College in Madhira, Khammam District seeking mutual transfer with the second petitioner, who was working as a Lecturer in Commerce in SGA Government Degree College, Yellamanchili, Visakhapatnam District.

Para 6(a) of the guidelines, in Circular Memo dated 7.8.2017, requires a Government employee, seeking inter-state transfer, to apply to the Head of the Department concerned through proper channel within a month from the date of issue of the guidelines. The applications are to be made in the prescribed form appended thereto, and the Administrative Department concerned is required to process all applications, and to issue orders as per the prescribed procedure laid down thereunder, within two months from the date of the guidelines. From the applications submitted by the petitioners, to the Commissioner of Collegiate Education both dated 28.8.2017, it does appear that the applications were submitted to the Commissioner of Collegiate Education through proper channel.

Learned Government Pleader for Services would submit that it is necessary to ascertain whether or not the applications were submitted through proper channel; and if it has been sent, in accordance with the guidelines, their applications for mutual transfer would be considered at the earliest. He would further state that the 1st petitioner has retired from service on 31.5.2018.

While the age of retirement of a Government Lecturer in the State of Telangana is 58 years, it is 60 years in the State of Andhra Pradesh. It is not in dispute that the second petitioner is aged 48 years and, even if she is transferred to the State of Telangana, she would still have a decade of service left before her retirement. While the first petitioner may no longer be entitled to work as a Lecturer in the State of Telangana, as he has completed 58 years of age, he would be entitled, if his request for mutual transfer to the State of Andhra Pradesh is accepted, to work as a Government Lecturer till he attains the age of superannuation of 60 years in the State of Andhra Pradesh. A decision in this regard is required to be taken by the Special Chief Secretary, Education Department, Government of Andhra Pradesh. Suffice it to direct him to consider the request for mutual transfer with utmost expedition and, in any event, not later than one month from the date of receipt of a copy of this order, as the transfer guidelines, issued on 7.8.2017, require a decision to be taken within two months thereafter ie, on or before 7.10.2017.

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)

18th June, 2018

Note:

Furnish c.c. in one week.

b/o

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Date:18.06.2018

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