

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Writ Petition No.15970 of 2018

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

Heard Sri N. Sriram Murthy, learned counsel for the petitioner, learned Special Government Pleader appearing on behalf of the learned Advocate General for the State of Andhra Pradesh, learned Government Pleader for Services (Telangana), Smt. K. Udaya Sri, learned Standing Counsel for the Sri Konda Laxman Telangana State Horticulture University and Sri C. Srinivas Baba, learned Standing Counsel for the Dr. Y.S.R. Horticulture University.

The relief sought for in this Writ Petition is for a mandamus to declare the action of the respondents in not allocating/allotting the petitioner from the 7th respondent-University to the 6th respondent-University as the Principal Scientist/Professor, basing on his options given on 5.8.2015 and 24.10.2017, as illegal, unconstitutional and contrary to law, apart from violation of Section 80 and 82 of the Andhra Pradesh Re-organization Act, 2014.

We had, in our order dated 7.6.2018, observed that though more than four years had elapsed, since the erstwhile State of Andhra Pradesh had been bifurcated on 2.6.2014, final allocation of employees of the erstwhile Dr. Y.S.R. Horticulture University was yet to take place; and a quietus could be given to the entire issue, if both the Governments of Andhra Pradesh and Telangana are directed, either through its officials or through the Vice-Chancellors of both the Universities, to finalise the allocation within a specified time frame. As both the learned Government Pleaders for Services (Andhra Pradesh)

and (Telangana) sought time to obtain instructions, we directed that the matter be listed today.

Learned Special Government Pleader, appearing on behalf of the learned Advocate General for the State of Andhra Pradesh, would place before us a copy of the letter addressed by the Vice-Chancellor and Ex-Officio Secretary to the Government, Agriculture and Cooperation (H&S) Department, A.P to the Vice-Chancellor and Agricultural Production Commissioner, Agriculture and Cooperation Department, Telangana on 14.2.2018 requesting him to communicate his consent regarding allocation of individuals, and to communicate the convenient date, time and venue to convene the meeting to discuss on the above issues, and finalize division of all employees at a time instead of in a piecemeal manner.

The subject institution is, admittedly, listed under the Tenth Schedule to the A.P. Re-organization Act, 2014 (hereinafter referred to as “the Act”). Section 82 of the said Act relates to the provision for employees of Public Sector Undertakings etc, and, thereunder, on and from the appointed day, the 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. Both respondents 6 and 7 are Universities created by State Legislations, and would fall within the ambit of “**autonomous bodies**” under Section 82 of the Act. The obligation cast on both the Universities is to mutually discuss and determine the modalities for distributing the employees within a period of one year from the date on which the Act came into force. Both the Universities ought to have framed guidelines, for final allocation of

employees between the two Universities, on or before 1.6.2015. It is more than two and half years after 2.6.2015 were the modalities finalized in December, 2017. The fact, however, remains that final allocation of employees of the erstwhile Dr. Y.S.R. Horticulture University is yet to take place.

While the learned Special Government Pleader for the State of Andhra Pradesh would throw the blame on the State of Telangana, and contend that their request vide letter 14.2.2018 has elicited no response till date, learned Government Pleader for Services (Telangana) would submit that the matter has been referred to the Government by the Vice-Chancellor of the 7th respondent-University; and the matter is pending consideration before the Government. She would, on instructions, submit that the matter would be finalized within a week.

While the submission of the learned Government Pleader for Services (Telangana), of the entire issue being resolved within a week, seems far fetched, we asked her to obtain instructions whether the entire exercise could be completed, and the employees finally allocated between both the Universities, atleast within one month. Smt. V. Vijaya Lakshmi, learned Government Pleader for Services (Telangana), on instructions, submits that the concerned officials of the State of Telangana would sit with their counter-parts in the Government of Andhra Pradesh, and finally allocate employees between both these Universities within one month from today.

In the light of the submission of the learned Government Pleader for Services (Telangana), both the Governments of Andhra Pradesh and Telangana are directed to depute their officials who shall, along with the Vice-Chancellors of both the Universities, sit and finally allocate all the employees of the erstwhile Dr. Y.S. Rajasekhara Reddy Horticulture

University between the 6th respondent and 7th respondent within one month from today.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

11th June, 2018

Note:

Furnish c.c. in three days.

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