

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.18975 OF 2018

Date: 14.06.2018

Between:

R. Ravinder Reddy, s/o. Sanjeeva Reddy, Aged 50 years,
Police Constable, r/o. Warangal Urban District and others.

.....Petitioners

And

The State of Telangana, rep.by its Principal Secretary,
Home Department, Secretariat Buildings, Hyderabad
and others.

.....Respondents

The Court made the following:



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ORDER:

Heard Mr. G.V.Shivaji, learned counsel for petitioners and Special Government Pleader (TG) for Government Pleader for Home (TG) for the respondents.

2. Petitioners are working as Armed Reserve Police Constables in Warangal district. They are aggrieved by the transfer exercise undertaken by the Department, which according to petitioners, resulting in transferring them from the present place of work to other newly formed districts. Hence, this writ petition.

3. Learned counsel for petitioners contends that for Armed Reserve Police Constables, each district is the unit for appointment and regulation of conditions of service. In October, 2016, then existing districts were bifurcated and Government formed new districts and in the place of ten districts then existing, now 31 districts are formed. Petitioners are now working in Warangal Urban district consequent to formation of new districts, whereas the proposal now formulated, if allowed to be continued, they would be transferred to newly formed other districts, which would amount to changing their unit of appointment and affecting their conditions of services.

4. Learned counsel also further submits that transfer guidelines have not provided option for the petitioners to opt to any particular post or place, but they are unilaterally sought to be transferred to new districts, while options are given to Police Constables working in other newly formed districts. Learned counsel was particularly referring to paragraph-4 of transfer guidelines.

5. On 12.06.2018, in the afternoon session of Court, learned Special Government Pleader produced Memo in Rc.No.144/Plg.2/2017, dated 08.06.2018, where under corrigendum was issued to paragraph-4 of the memo. By virtue of corrigendum, all the Armed Reserve Police Constables are now granted liberty to prefer options. Therefore, their grievance is now resolved.

6. The further contention of learned counsel for petitioners that petitioners' conditions of service are affected by the present exercise has no merit. As fairly submitted by learned counsel for petitioners and as stated by the learned special Government Pleader, so far the cadre allocation exercise is not undertaken by the Government after formation of new districts. To regulate the service conditions of all employees of erstwhile district is taken as one unit. Petitioners belong to the unit of erstwhile district of Warangal. In paragraph-2 of the Memo in Rc.No.144/Plg-2/2017, dated 28.05.2018, it is clearly stated that for considering the transfers, erstwhile district is taken as a single unit. As no allocation is made to new districts and Warangal district as it stood prior to bifurcation and establishment of new district is the unit of appointment, transfer within the district cannot be objected to and transfer within district do not alter the conditions of service of Armed Reserve Police Constables. Thus, the contention that present exercise, possibly resulting in posting petitioners outside Warangal Urban district would affect their conditions of service, deserved to be rejected. In view of corrigendum to paragraph-4 of guidelines, as substantive grievance stood resolved and there is no merit in the other contentions of petitioners, Writ Petition is accordingly disposed of. It is open to petitioners to participate in the transfer counselling. It is needless to observe that the present transfer exercise would not in any manner impact the conditions of service of petitioners until they are properly regulated by due process.

Pending miscellaneous petitions shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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