

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

W.P.No.23614 OF 2018

ORDER: (ORAL)
(per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has challenged order dated 26.06.2018 passed in O.A.No.1146 of 2018 by the Andhra Pradesh Administrative Tribunal at Hyderabad, whereby, the application filed by the petitioner under Section 19 of the Administrative Tribunals Act 1985, has been dismissed.

2. The petitioner is working as Multi Purpose Health Extension Officer, Primary Health Centre, Nindra of Chittoor District. He is due for promotion as Community Health Officer (C.H.O). Accordingly, he was called for promotion counselling by the Director of Public Health and Family Welfare, Vijayawada on 01.05.2018. When he was offered the promotion posting at Guntur, the petitioner requested for his posting in and around Chittoor District on the ground of his wife is working in Tamilnadu adjoining to the District of Chittoor, Andhra Pradesh. However, the learned Tribunal dismissed his application on the ground that it is not a case of transfer counselling, it is counselling for promotion.

3. The fact remains that the petitioner is due for promotion and his wife is working as Secondary Grade

Headmaster at Panchayat Union Primary School, Nellimarathu Kandigal Village of Gummidipoondi Taluk, Thiruvallur District, Tamilnadu, since 08.01.2013 to till date.

4. As stated by the learned counsel for the petitioner that there is a vacancy in District Chittoor, therefore, if he is appointed, he would be able to serve in a better sense, being near to the station of his family, which is in the boarder State of Tamilnadu.

5. Though we find no illegality in the order passed by the tribunal, however keeping in view the fact that his wife is working adjoining to the District Chittoor in Tamilnadu, therefore, while disposing of the present petition, we hereby direct the respondents, to consider the representation dated 17.05.2018 filed by the petitioner, on sympathetically, and on humanitarian grounds, within four (04) weeks, from the date of receipt of a copy of this order.

6. Accordingly, the writ Petition is disposed of. No order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J.

ABHINAND KUMAR SHAVILI, J.

Date : 11-07-2018
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