

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.24006 OF 2018

DATED :13.07.2018

Between :

N.Kistaiah S/o. N. Mallaiah,
Aged about 59 yrs, Occu : Office subordinate,
District Forest Officer, Sangareddy District,
Now posted to Forest Range Officer,
Gajwel Range, Siddipet District.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Environment Forest Science & Technology,
(For.II), Secretariat, Hyderabad & others.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Services -1 (TG).

2. Petitioner is working as Office Subordinate in erstwhile Medak District. While he was working in the office of District Forest Officer, Sangareddy, by order dated 18.06.2018 he is transferred to the office of Forest Range Officer, Gajwel, the present Siddipet District, which was formed part of original Medak District.

3. The order of transfer is challenged on the ground that the 40% ceiling fixed by the Government in G.O.Ms.No.18 dated 01.06.2018 is violated and petitioner is transferred out of the district.

4. Originally Medak is the unit of appointment and even though new districts are carved out, the employees are not finally allotted to newly formed districts and for all purposes to regulate the conditions of service, the erstwhile district is taken as Unit.

5. A reading of the said G.O., would also make it clear that 40% ceiling is applicable for last grade services and district is the unit. Therefore, within the district a person is liable to be transferred. Even assuming that 40% ceiling is affected they are only guidelines and they do not vest any enforceable right. However, the conditions of service are not affected.

6. Having regard to the fact that petitioner has completed more than five years of service, he is liable for transfer and even assuming that 40% ceiling is violated cannot give a right for him to claim that he should not have been disturbed.

7. At this stage, learned counsel for the petitioner sought to contend that petitioner is due for retirement in 22 months and therefore ought not to have been disturbed. According to the Government guidelines, a person is entitled to be retained even if he has completed five years of service, only if he is due for retirement within one year from 31.05.2018.

8. In the instant case, petitioner is not due for retirement within one year from 31.05.2018 and he is not entitled to take advantage of that exception carved out. However, it is open to the petitioner to make comprehensive representation to the District Forest Officer, Medak (5th respondent) and if such a representation is made, it is open to the 5th respondent to consider the same and take appropriate decision within three (3) weeks from the date of receipt of such representation.

9. With the above observations, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

13th July, 2018
Rds