

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.30353 OF 2014

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

The Government of Telangana and its Commissioner & Director of Agriculture filed this writ petition aggrieved by the order dated 14.02.2014 in O.A.No.9478 of 2011 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (*hereinafter*, 'the Tribunal'). The said O.A. was filed by the first respondent herein assailing the proceedings dated 12.03.2007 of the Commissioner & Director of Agriculture, Andhra Pradesh. Thereby, she was informed that as she had failed to pass the Accounts Test for Subordinate Officers Part-I within the stipulated period, her commencement of probation was altered to 08.09.2004 instead of 12.03.1996, in accordance with Rule 24(c) of the Andhra Pradesh State and Subordinate Services Rules, 1962, and she was stated to have completed her probation satisfactorily with effect from 08.09.2006. By the order under challenge, the Tribunal held that the first respondent-applicant's case was covered by G.O.Ms.No.16 dated 21.01.2000 and that she was entitled to declaration of her probation from the date of passing of the Accounts Test for Executive Officers, i.e., 17.05.2003, with all consequential benefits.

By order dated 11.08.2015, this Court suspended the order under challenge. W.V.M.P.No.4098 of 2015 was filed by the first respondent-applicant to vacate the said order. Comprehensive arguments were advanced by both sides and the matter is amenable to final disposal at this stage.

The first respondent-applicant was appointed as an Agricultural Officer under proceedings dated 25.01.1996 of the Commissioner & Director of Agriculture, Andhra Pradesh. Her services were regularised and she was

placed on probation with effect from 12.03.1996 under proceedings dated 18.02.1999 of the Commissioner & Director of Agriculture, Andhra Pradesh. Therein, it was stipulated that she had to pass the following tests within the period of probation:

- (i) Agricultural Departmental Test
- (ii) Accounts Test for Subordinate Officers Part-I
- (iii) Second Class Language Test in Telugu.

Thereafter, the rules were revised and the post of Agricultural Officer was treated as equivalent to the post of an executive officer. The Government issued G.O.Ms.No.16 dated 21.01.2000 framing *ad hoc* rules for the post of Agricultural Officer and these rules were given retrospective effect from 17.04.1997. As per Rule 9 of the said rules, an Agricultural Officer was required to pass two tests within the period of probation:

- (i) Agricultural Departmental Test
- (ii) Accounts Test for Executive Officers.

The first respondent-applicant passed the Agricultural Departmental Test on 20.05.2000 and the Accounts Test for Executive Officers on 17.05.2003. However, the authorities seem to be harping upon the departmental tests mentioned in the proceedings dated 18.02.1999, whereby the first respondent-applicant was placed on probation and was required to pass the three named tests. The first respondent-applicant did not pass two tests mentioned therein within the time stipulated, *viz.*, Accounts Test for Subordinate Officers Part-I and Second Class Language Test in Telugu, It is on this basis that the date of commencement of the probation of the first respondent-applicant was sought to be altered to her detriment by way of the impugned proceedings dated 12.03.2007.

We are informed that the Government of Andhra Pradesh issued Memo dated 27.03.2017 in the case of a similarly situated person, K.Chennaiah, Agricultural Officer, Kurnool District. Therein, taking into

account the *ad hoc* rules framed in G.O.Ms.No.16 dated 21.01.2000 with retrospective effect, the Government opined that K.Chennaiah, Agricultural Officer, would not be required to pass the tests stipulated earlier and it would be sufficient if he passed the departmental tests as per Rule 9 of the *ad hoc* rules. Though the Government of Telangana, being the successor-in-interest of the Government of Andhra Pradesh in so far as this case is concerned, has not passed any such proceedings, the same logic applies.

We therefore see no reason to discriminate against the petitioner, when she is identically situated to K.Chennaiah, Agricultural Officer, Kurnool District, who was covered by the very same rules and was given the benefit thereof by the Government of Andhra Pradesh under the Memo dated 27.03.2017. It is not in dispute that the first respondent-applicant passed the requisite tests, as stipulated under Rule 9 of G.O.Ms.No.16 dated 21.01.2000, by 17.05.2003. Therefore, she would be entitled to declaration of her probation from that date. As this is the relief granted by the Tribunal, we find no grounds to interfere with the order under challenge.

The writ petition is devoid of merit and is accordingly dismissed. Interim order dated 11.08.2015 shall stand vacated. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

2nd MAY, 2018

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