

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 31518 of 2018

Date : 5.9.2018

Between:

B V Ramesh S/o Late Radhakrishna Murthy Aged about 51 years
Occ Lecturer in Chemistry Maries Stella College Vijayawada R/o H
No 15245 Behind SubRegistrar Office Nandigama 521185 Krishna
District

Petitioner

And

The State of Andhra Pradesh
Rep by the Principal Secretary Dept of Education Secretariat
Buildings Velagapudi Amaravati Guntur District & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Education (AP).

2. Petitioner is an employee of 5th respondent institute. He was earlier posted on deputation to 4th respondent institute. While in 4th respondent institute he was placed under suspension by order dated 16.5.2018. Aggrieved by the said order of suspension from service, petitioner filed W P No. 18312 of 2018 and this Court by order dated 6.6.2018 suspended the order of suspension. The present order dated 16.5.2018 is passed repatriating the petitioner to his parent institution i.e., 5th respondent.

3. Learned counsel for petitioner did not dispute that the Commissioner earlier passed orders deputing the petitioner to 4th respondent institute and that 4th respondent and 5th respondent institutes are independent. Thus, it cannot be said that the Commissioner is not competent to transfer back to his parent unit. Further, learned counsel for petitioner sought to contend that as the order of suspension also deal with the issue of repatriation and order of suspension is suspended by this Court, further action of repatriation also does not survive until writ petition is disposed of or earlier interim order is vacated.

4. Vide order dated 16.5.2018 petitioner was placed under suspension. However, incidentally the order also refers to the order of repatriation of the petitioner to his parent college, therefore learned counsel for petitioner contend that as there is reference to the order of

repatriation and very order was suspended by this Court, the repatriation order dated 16.5.2018 is unsustainable.

5. Reading of order of the Special Commissioner of Collegiate Education-2nd respondent, impugned in W P No.18312 of 2018, it is clear that the order primarily deals with suspension, whereas, incidentally it also refers to simultaneous proceedings issued repatriating the petitioner. Thus, interim order is only with reference to suspension from service and it does not deal with repatriation of the petitioner.

6. As repatriation order is made by the competent authority, it does not call for interference. Accordingly, the writ petition is dismissed. At this stage, learned counsel for petitioner sought to contend that 5th respondent is not admitting the petitioner. However, no material is placed on record to show that petitioner reported to 5th respondent institution. If petitioner reports to 5th respondent and 5th respondent do not permit him to join duty, petitioner is at liberty to work out his remedies available in law. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 05-09-2018
TVK

P NAVEEN RAO,J

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