

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.37276 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“To issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus and declare the action of the 1st and 3rd respondents herein in not considering to pass Up-gradation orders only in respect of petitioners (05) Bal Kendras in the State in to that of Bal Bhavans with conversion of existing staff from part-time posts to full time posts as per the proposals of the 2nd respondent dated: 16-3-2017 and 17-10-2016 as was done in case of Eluru Bal Kendra vide G O Ms No 181 Finance (HR III) Department dated: 2-9-2016 and G O Ms No 103 School Education (Prog III) Department Dated: 16-9-2016 as illegal arbitrary discriminatory and violative of Principles of natural justice and consequently direct the respondents herein to extent the benefit of Government Orders passed in G O Ms No 181 Finance (HR III) Department Dated: 2-9-2016 & G O Ms No 103 School Education (Prog III) Department dated: 16-9-2016 to the petitioners (05) Bala Kendras including the conversion of existing part-time posts into full time posts for developing local children age group 06-16 years throught the day in respective Bal Kendras”.

2. According to the petitioners, they are presently working as Superintendents in Bal Kendras along with other employees in (5) Bal Kendras. It is further submitted that all the petitioners are appointed with the approval of the concerned District Collector and Chairman and selected by the Selection Committee in terms of Bal Bhavans and Bal Kendras Subordinate Service-Adhoc Rules issued vide G.O.Ms.No.167 Education (Prog.II.1) Department dated 8.6.1998. The Director and Special Officer, Jawahar Bal Bhavan addressed a letter bearing Lr.Rc.No.73/Estt.1/2011 dated 17.10.2016 to the Principal Secretary to Government, Education

(Prog.III) Department, Government of Andhra Pradesh and paragraph 15 of the said letter reads as under:

“In view of the details submitted above and as this is a very long pending issue, Government may kindly issue orders on the following:

(1) To accord permission to fill up 07 posts in Bal Bhavans as per details in Para-8 above with the eligible qualified candidates working in the same category posts in Bal Kendras who have completed minimum service of (03) years and by promotions with the staff of Bal Bhavans. Necessary proposals for amendment to Adhoc Rules are already submitted to Government separately.

(2) To upgrade (05) Bal Kendras i.e. (1) Rajam, Srikakulam district (2) Chipurapalli, Vijayanagar district (3) Palakollu, West Godavari district (4) Kadapa, Kadapa district (5) Nandyal, Kurnool district as Bal Bhavan with total cadre strength of 40 (regular posts) by utilizing the 38 posts proposed to be suppressed without additional financial commitment and without sanction of additional budget”.

3. The grievance of the petitioners in this writ petition is that though considerable time has elapsed, no action has been taken pursuant to the said letter of the 2nd respondent dated 17.10.2016 addressed to the 1st respondent-State Government. It is the further submission of the learned counsel that in view of the inaction on the part of the 1st respondent, petitioners are sustaining irreparable loss and hardship. Eventually, a request is made by the learned counsel to direct the 1st respondent to take appropriate action, in accordance with law, pursuant to the above letter of the 2nd respondent dated 17.10.2016.

4. Having regard to the facts and circumstances of the case, this Court deems it appropriate to dispose of the writ petition with a direction to the 1st respondent-State Government to take appropriate action strictly in accordance with law, pursuant to the letter bearing Lr.Rc.No.73/Estt.1/2011

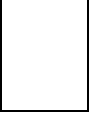
dated 17.10.2016 of the 2nd respondent within a period of three months from the date of receipt of this order.

5. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 21.2.2018
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