

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

WRIT PETITION Nos.44167, 44220 and 44232 OF 2018

COMMON ORDER: (per SK,J)

The petitioners in these three cases are working as Assistant Executive Engineers in the Irrigation Department, State of Andhra Pradesh. Their prayer in these cases is in identical terms. Their challenge is to the Circular Memo dated 07.08.2017 and more particularly, Clause 6(g) thereof, to the extent that it does not allow the benefit of inter-state transfers to them on the ground that their husbands are not in the service of the State Government.

This very circular and more particularly, Clause 6(g) thereof, fell for consideration before us in W.P.Nos.14006 and 14062 of 2018 which were allowed by common order dated 12.10.2018. Thereby, this Court directed the States of Andhra Pradesh and Telangana to effect inter-state transfers on spousal grounds notwithstanding the fact they did not fall within the four corners of the so-called guidelines put in place *vide* Circular Memo dated 07.08.2017. Clause 6(g) of the Circular Memo dated 07.08.2017, in so far as it discriminates against State Government employees on the basis of the status of the employers of their spouses, was held to be arbitrary and illegal. The said Circular Memo was directed to be given effect to by extending the benefit of inter-state transfers provided thereunder to State Government employees whose spouses were in the service of the Central Government/Central Government Public Sector Undertakings/Universities/Local Bodies/ Scheduled Banks/State Government Institutions etc. also.

It is an admitted fact that the husbands of the petitioners in these three cases are employed in the services of the Defence Research and Development Organisation; an Aided School; and the Transmission Corporation of Andhra Pradesh Limited.

In that view of the matter, the writ petitions are allowed in terms of the common order dated 12.10.2018 passed in W.P.Nos.14006 and 14062 of 2018. The respondents shall consider the cases of the petitioners for inter-state transfers in terms of the directions aforestated which are reiterated for the purpose of these cases. The said exercise shall be completed expeditiously.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR,J

M.GANGA RAO,J

Date:26.12.2018

GJ