

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

WRIT PETITION NO.46700 OF 2018

ORDER: (per SK,J)

The petitioner is the unsuccessful applicant in O.A.No.1903 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, which was dismissed by order dated 29.11.2018. The petitioner is a Deputy Conservator of Forests. He was transferred to the post of Deputy Conservator of Forests-cum-Silviculturist at the Bio-Technology Research Centre, Tirupati, on 08.02.2018. However, he was thereafter transferred from the said post *vide* G.O.Rt.No.1930, General Administration (S.C-C) Department, dated 31.08.2018. Aggrieved thereby, he filed the subject O.A. Upon consideration of the matter, the Tribunal found that the petitioner was admittedly a non-cadre officer but the post at the Bio-Technology Research Centre, Tirupati, was a cadre post and it was only due to non-availability of cadre officers in February, 2018, that he was accommodated in the said post. However, as G.Nageswar Rao, the fourth respondent in the O.A, was conferred with IFS cadre status on 12.07.2018, he became a cadre officer fit to be appointed to the subject post in the Bio-Technology Research Centre, Tirupati, and was accordingly transferred to the said post. It is on this ground that the petitioner-applicant stood transferred from that post. As there was no illegality in this process, the Tribunal dismissed the O.A.

As we were informed that the petitioner-applicant was not given posting orders despite his transfer, *vide* G.O.Rt.No.1930 dated 31.08.2018, the learned Government Pleader was asked to get instructions as to the issuance of posting orders to him.

Today, the learned Government Pleader informed this Court that despite being directed to report before the Principal Chief Conservator of Forests (HoFF), Department of Forests, Andhra Pradesh, the petitioner-applicant did not choose to do so. That is the reason why he has not been issued posting orders as yet.

Sri K.Sudhakar Reddy, learned counsel for the petitioner-applicant, would contend that though there may be no illegality in the posting of G.Nageswer Rao at the Bio-Technology Research Centre, Tirupati, ousting his client from the said post, the authorities are continuing the juniors of the petitioner-applicant, who are still in the cadre of Assistant Conservator of Forests, against cadre posts but he is not being given such benefit.

As Sri K.Sudhakar Reddy, learned counsel, does not dispute the fact that the petitioner-applicant is yet to report before the Principal Chief Conservator of Forests (HoFF), Department of Forests, Andhra Pradesh, we dispose of the writ petition permitting the petitioner-applicant to make a detailed representation to the Principal Chief Conservator of Forests (HoFF), Department of Forests, Andhra Pradesh, with regard to his future posting and ventilating his grievance that his juniors are still being continued against cadre posts while he is being denied such benefit.

The Principal Chief Conservator of Forests (HoFF), Department of Forests, Andhra Pradesh, shall thereupon take a decision in the matter after considering the representation of the petitioner-applicant and issue posting orders to the petitioner-applicant. He shall complete this exercise expeditiously and in any event, not later than one week from the date of receipt of the representation of the petitioner-applicant.

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

Note:

Furnish C.C. by Monday.
(B/o) GJ

