

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION Nos.41322 & 41324 of 2017

COMMON ORDER: (ORAL)

(Per Suresh Kumar Kait, J)

As the present writ petitions arise out of the order dated 02.11.2017 passed by the Andhra Pradesh Administrative Tribunal at Hyderabad in O.A.Nos.3007 and 3008 of 2017, as such, they are heard together and disposed of by this common order.

2. Petitioners are working as Sanitary *Maistries* in Gudur Municipality of SPSR Nellore District. Their grievance is against proceedings of the Commissioner, Gudur Municipality in Roc.No.198/2017/C1 dated 18.09.2017, by which transfers and postings on working arrangement among the outdoor staff was ordered. Under the said proceedings, petitioner in W.P.No.41322 of 2017 is allotted to Waterworks Plant duty and the petitioner in W.P.No.41324 of 2017 is allotted to Head Waterworks.

3. Learned counsel for the petitioners has drawn the attention of this Court to Circular Roc.No.18044/2016/M2 dated 17.10.2016, wherein G.O.Ms.No.279 dated 31.12.2015 has been referred. It is stated in the said Circular as under:

“Ref: Oral orders of the Chairperson, Gudur Municipality dated 18-9-2017. In the obedience to the reference 1st cited on outdoor staff, the following transfers & postings and working arrangement among the outdoor staff of this office are ordered to come into force with immediate effect.

Sri G.Babu Rao, Sanitary Mastry is allotted Head Water Works

Sri P.Kasirathnam, Sanitary Mastry Head Water Works Plant
Duty.”

4. However, vide proceedings dated 18.09.2017, on the oral instructions of the Chairperson, petitioners were allotted duties of Waterworks plant duty and Head Waterworks respectively, whereas, in circular dated 17.10.2016, all the Commissioners of ULB in the State were directed to identify whether any Public Health worker is being utilised for other than sanitation purpose and if found, to withdraw such services immediately and put them on sanitation work.

5. By the proceedings dated 18.09.2017, petitioners are not allotted sanitary work, but, allotted Head waterworks and waterworks plant duty respectively, which is contrary to the Circular dated 17.10.2016.

6. Learned counsel appearing on behalf of the 3rd respondent submits that the proceedings dated 18.09.2017 is not contrary to Circular dated 17.10.2016, therefore, after considering this fact, learned Tribunal dismissed the O.As. filed by the petitioners.

7. However, vide Circular Roc.No.18044/2016/M2 dated 17.10.2016, wherein G.O.Ms.No.279 dated 31.12.2015 has been referred, it is clearly mentioned that no Public Health Worker should be utilized for other than the purpose of sanitation and to withdraw such workers, if any. Therefore, it is evident that the proceedings dated 18.09.2017 is in contravention of Circular dated 17.10.2016. In that view of the matter, the Tribunal erred in rejecting the claim of the petitioners.

8. Accordingly, we hereby set aside order dated 02.11.2017 passed by the learned Tribunal in O.A.Nos.3007 and 3008 of 2017. Consequently, proceedings Roc.No.198/2017/C1 dated 18.09.2017 issued by the respondents is quashed.

9. Writ petitions are accordingly allowed. No order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

February 08, 2018
MRR

