

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**W.P.No.106 of 2019**

**ORDER:**

This writ petition is filed challenging the action of the 3<sup>rd</sup> respondent in issuing proceedings dated 24-12-2018, wherein posting orders to the petitioner were given at Konasamunder instead of Borgaon.

Learned counsel for the petitioner submits that the petitioner is working as Hostel Welfare Officer and the 3<sup>rd</sup> respondent had placed her under suspension vide proceedings dated 20-01-2018 on certain alleged irregularities. Thereafter wards, the petitioner has preferred appeal before the respondent-Government challenging the suspension orders passed by the 3<sup>rd</sup> respondent. The respondent-Government vide orders dated 06-10-2018 was pleased to revoke the suspension orders and directed the petitioner to be reinstated into service at Government SCD Girls Hostel, Borgaon and thereafter wards, the 3<sup>rd</sup> respondent who is subordinate to the 1<sup>st</sup> respondent had modified the posting orders of the petitioner instead of posing the petitioner at Borgaon, had posted to far-off place at Konasamunder vide proceedings dated 24-12-2018. Counsel for the petitioner contends that the petitioner was not posted at Boragaon on the ground that one Smt.D.Padma along with two others filed WP.No.22718 of 2018 seeking posting orders at Boragaon in pursuance to the counselling notification

given by respondents. Counsel for the petitioner further submits that neither D.Padma, who is opted at Borgaon nor the petitioner is posted in the said place and the post at Borgaon is lying vacant and once the State Government has revoked the suspension orders and directed the petitioner to be posted at Borgaon in Nizamabad district, the 3<sup>rd</sup> respondent, who is subordinate to the State Government cannot tinker the orders passed by the State Government and issue different posting orders, contrary to the orders issued by the State Government and contend that appropriate orders be passed directing the respondents, more particularly, the 3<sup>rd</sup> respondent to post the petitioner as Hostel Welfare Officer in Borgaon in Nizamabad District instead of Konasamunder by setting aside the orders dated 24-12-2018.

Government Pleader appearing for the respondents contends that case of the petitioner was not considered for posting by the 3<sup>rd</sup> respondent at Borgaon only on the ground that writ petition filed by one D.Padma is pending. Said Padma is seeking relief before the Hon'ble High Court to post her at Borgaon and in view of pendency of writ petition, the 3<sup>rd</sup> respondent could not post the petitioner as Hostel Welfare Officer at Borgaon and the petitioner has no vested right to opt at one particular place. The State Government has only revoked the suspension orders. Mere suspension orders are revoked, the petitioner should work wherever posting orders are given, and she cannot contend that she should be posted

at Borgaon. He further contends that there are no merits in the writ petition.

Having regard to the submissions made by the petitioner and rival submissions, it can be seen that the State Government vide orders dated 06-10-2018 revoked the suspension orders and specifically directed that the petitioner be reinstated into service and post at Borgaon, Nizamabad District in the existing vacancy. Ultimately, the post at Borgaon is lying vacant.

In view of the fact that there is vacancy in the Borgaon, the 1<sup>st</sup> respondent was right in posting the petitioner at Borgaon, the District Collector ought not to have altered the posting of the petitioner without obtaining prior approval from the respondent-Government. Therefore, the impugned orders passed by the District Collector is set aside and with all consequential benefits, the 3<sup>rd</sup> respondent is directed to give posting orders to the petitioner at Borgaon within a period of two weeks from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

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**JUSTICE ABHINAND KUMAR SHAVILI**

04-01-2019  
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