

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7016 of 2019

ORDER:

- 1) This Writ Petition is being disposed of at the admission stage with the consent of both the parties.
- 2) This Writ Petition is filed seeking a writ of *Mandamus* declaring the action of respondents 1 and 4 in not issuing posting orders allowing the petitioner to continue as Forest Divisional Officer, Khammam, as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and sought consequential direction to direct the respondents 1 and 4 forthwith to issue posting orders allowing the petitioner to continue as Forest Divisional Officer, Khammam by considering the representations made by the petitioner on 29.01.2019, 02.03.2019 and 28.03.2019 and also pay salary from January, 2019 onwards.
- 3) Heard Sri P.V.Krishnaiah, learned counsel for the petitioner and Government Pleader for Services-I, for the respondents.
- 4) It has been contended by the petitioner that he was working as Forest Divisional Officer at Khammam and while he was discharging his duties it was alleged that the petitioner

was involved in the elections of Gram Panchayats and the petitioner has warned the opposite candidates not to contest in the elections. The petitioner was transferred vide orders dated 18.01.2019 on the allegation that he has violated the Model Code of conduct of elections for the Gram Panchayat and the petitioner was surrendered to Principal Chief Conservator of Forests, Hyderabad, till completion of Gram Panchayat Elections.

5) Learned counsel for the petitioner contended that the Gram Panchayat elections have been conducted in the State during January, 2019 and since the elections are over, the position of the petitioner be restored as Forest Divisional Officer, Khammam by giving appropriate posting orders in the Khammam District. He further submits that the petitioner has submitted representations to the respondents on 02.03.2019 and 28.03.2019 and the respondents are neither considering the said representations nor giving posting orders to the petitioner as Forest Divisional Officer, Khammam. Therefore, the counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the representations submitted by the petitioner and post the petitioner as Forest Divisional Officer, Khammam, as the elections for Gram Panchayat are over.

6) Learned Government Pleader for Services-I appearing for the respondents had contended that the representations submitted by the petitioner would be considered in accordance with law and appropriate orders would be passed by duly taking in to account the fact that the elections of Gram Panchayat are over in January, 2019.

7) Having regard to the rival submissions, this Court is of the considered view that the writ petition is disposed of directing the respondents to consider the representations submitted by the petitioner on 28.03.2019 and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order, by duly taking into account the fact that the elections of Gram Panchayat are over in the month of January, 2019.

8) As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

03.04.2019
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