

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.8889 OF 2019

ORDER: (per SK,J)

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble High Court may be pleased to issue a Writ, Order or direction more in the nature of Mandamus declaring the Clause (g) of Circular Memo No.9940/SPF&MC/2015 dated 7-8-2017 for not extending the benefit of Inter State Transfer to the petitioner on the ground that husband working as Assistant Executive Engineer in A.P. GENCO at Gunadala, State of Andhra Pradesh, in Zone-II and further passing orders in Memo No.8284/Ser.1(1)/2017/AE)-4 dated 19-3-2018 in rejecting her case is illegal, arbitrary and in violation of Articles 14, 16 and 21 of the Constitution of India and consequently declare that the Petitioner is entitled for Inter-State Transfer to the State of Andhra Pradesh where her husband is working as Assistant Executive Engineer in A.P. GENCO at Gunadala, State of Andhra Pradesh, with all consequential benefits and to pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case.'

The issue relating to transfer of employees from one State to another on spousal grounds, consequent upon the bifurcation of the erstwhile combined State of Andhra Pradesh, fell for consideration before the common High Court for the State of Telangana and the State of Andhra Pradesh in W.P.Nos.14006 and 14062 of 2018. By common order dated 12.10.2018, the said writ petitions were allowed. A copy of the said common order is placed on record.

For reasons alike as were mentioned in the aforestated common order and in terms thereof, this writ petition is allowed with the following directions:

The State of Andhra Pradesh and the State of Telangana shall effect inter-State transfer of the petitioner in this case on spousal grounds, notwithstanding the fact that she does not fall within the four corners of the so-called guidelines put in place, *vide* Circular Memo dated 07.08.2017. This exercise shall be completed expeditiously and in any event, not later than six weeks from the date of receipt of a copy of this order. Further, 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, is held to be arbitrary and illegal. The Circular Memo dated 07.08.2017 shall be given effect to by giving the benefit of inter-State transfers provided thereunder to State Government employees whose spouses are presently in the service of the Central Government/Central Government Public Sector Undertakings/Universities/Local Bodies/Scheduled Banks/State Government Institutions etc. also.

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

SANJAY KUMAR,J

P.KESHAVA RAO,J

Date:01.07.2019

PGS