

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.15217 of 2019

ORDER:

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 proceedings dated 10-07-2019 issued by the 2nd respondent-District Collector, Warangal Urban, transferring the petitioner as Senior Assistant to Kamalapur Mandal and posting the 6th respondent in petitioner's place as Additional Girdawar at Hasanparthy Mandal, as arbitrary, illegal and violative of principles of natural justice and sought consequential direction to the respondents to continue him as Additional Girdawar in the office of the Tahsildar, Hasanparty Mandal, Warangal Urban or post him as Girdawar in any Mnadal under the control of 2nd respondent to become himself eligible for consideration for further promotion as Naib Tahsildar as per Rules.

3. Heard Sri T.P.Acharya, learned counsel for the petitioner and the learned Government Pleader for Services-II appearing for the respondents.

4. Petitioner contends that he was initially appointed as Village Revenue Assistant during December 1992 and later he was promoted as Village Administrative Officer during 2000 and subsequently, the petitioner was promoted as Senior Assistant on

15-07-2016. He further submits that he was posted as Additional Girdwar on 11-01-2019 at Hasanparthy Mandal and ever since, he was discharging his duties to the best satisfaction of his superiors and everyone concerned. He further submits that as per the Recruitment Rules, a person will be eligible for promotion to the post of Naib Tahsildar provided he has put in four years of service as Senior Assistant and of which, two years service has to be done as Revenue Inspector/Additional Girdawar. The petitioner is aspiring to be promoted as Naib Tahsildar but even before the petitioner could complete two years of service as Revenue Inspector/Additional Girdawar, the respondents have posted him as Senior Assistant and transferred him vide impugned order dated 10-07-2019 to Kamalapur as Senior Assistant and in the place of petitioner, the 6th respondent, who was promoted as Senior Assistant ten days earlier to the impugned transfer orders, has been posted as Additional Girdawar.

5. The petitioner is challenging the impugned transfer orders dated 10-07-2019 on two grounds; one is transferred him in the middle of the academic year and also transferred him from the post of Additional Girdawar to that of Senior Assistant. If the petitioner completes two years of service as Additional Girdawar in the said place, he would have entitled to be considered for promotion. He further contends that as an alternative relief, at least, continue him as Additional Girdawar in any of the Tahsil places, so that he acquires the eligibility criteria for promotion to the post of Naib Tahsildar.

6. Learned Government Pleader for Services-II appearing for the respondents submits that the case of the petitioner would be considered, if the petitioner submits fresh representation and appropriate orders will be passed on the representation.

7. This Court, having considered the rival submissions made by both the counsel, is of the considered view that the Writ Petition can be disposed of directing the petitioner to submit fresh representation to the respondents within two weeks staking his claim to be continued as Additional Girdawar/Revenue Inspector so as to enable him to become eligible for promotion to the post of Naib Tahsildar and upon such representation being received, respondents shall consider the same and pass appropriate orders in accordance with law in another four weeks thereafter. It is needless to say that the respondents shall consider the case of the petitioner in terms of the Recruitment Rules which make the petitioner eligible for promotion to the post of Naib Tahsildar.

8. With these observations, the Writ Petition is disposed of. No costs.

9. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 23.7.2019.

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