

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION (TR) No.5680 of 2017

ORDER: (Per the Hon'ble the Chief Justice Sri Thottathil B.Radhakrishnan)

Heard the learned counsel for the petitioner, learned Government Pleader for the State of Andhra Pradesh and the learned Government Pleader for the State of Telangana.

2. The petitioner was employed as Senior Assistant in the office of the Director General & Inspector General of Prisons in the combined State of Andhra Pradesh before the coming into force of the Andhra Pradesh Reorganisation Act, 2014. As a result of the bifurcation, she has been allotted to the State of Andhra Pradesh. The claim of the petitioner is that she is entitled to be protected from being allotted to the State of Andhra Pradesh and is eligible to continue to be in the State of Telangana on the basis of sub-clauses (k) and (l) of Clause 18 of the Guidelines relating to allocation of State Services Employees approved by the Government of India, Ministry of Personnel, P.G & Pensions Department of Personnel & Training, issued on 29.10.2014.

3. The undisputed fact is that the petitioner's husband is working as Scientific Assistant "B" in Indian National Centre for Ocean Information Services, an institution under the control of Ministry of Earth Sciences of Government of India. The short issue that arises for decision in this case is as to whether such

officiation of the petitioner's spouse is sufficient to make her eligible to claim the protection under the aforesaid sub-clauses (k) and (l) of Clause 18 of the guidelines.

4. Deliberating on the content of those sub-clauses and taking into consideration the order of the Division Bench of this Court in **Dr.S.Shoba Rani v. The State Reorganisation Department** (W.P.No.23775 of 2016, dated 27.02.2017), we are of the view that the petitioner is eligible to stand allotted to the State of Telangana on spouse ground. The concept being a spouse of an All India Service Officer, who belongs to a State cadre is wide enough to take within its view those who are employed in institutions under the control of the Government of India. The Indian National Centre for Ocean Information Services is under the control of the Ministry of Earth Sciences of Government of India and there is no reason to assume that it is not part of the group identified as All India Service Officer for the purpose of the protective covenant in favour of spouses in sub-clauses (k) and (l) of Clause 18 of the guidelines. We are, therefore, of the view that this Writ Petition is eligible to succeed.

5. In the result, this Writ Petition is allowed holding that the orders of the respondents allocating the petitioner to the successor State of Andhra Pradesh as approved by the first respondent by order dated 08.01.2016 are unsustainable. Resultantly, the said decision is set aside and the official

respondents are directed to allocate the petitioner to the State of Telangana taking into consideration her spouse factor and pass consequential orders as may be found necessary to give effect to the contents of this decision.

The Writ Petition is allowed accordingly further directing that consequential orders be issued by the competent authority among the respondents within a period of three weeks from the date of receipt of a copy of this order.

The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

A.RAJASHEKER REDDY, J

28.01.2019

vs