

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.20725 & 21171 of 2018

COMMON ORDER:

These two writ petitions are being disposed of by way of this common order as the issue raised in these two writ petitions is one and the same.

2. Heard Sri P. Amarender, counsel for the petitioners, and Government Pleader for Services-II appearing for the respondents.

3. For the sake of convenience, the facts in W.P.No.20725 of 2018 are hereunder discussed.

(a) W.P.No.20725 of 2018 is filed seeking a writ of Mandamus to declare the action of the respondents in including the names of the petitioners in the bottom of the list of long standing persons by not counting their past service before they were posted on order to serve basis in the ensuing transfer counselling to be held pursuant to G.O.Ms.No.61, dated 24.05.2018, as illegal, arbitrary, discriminatory and violative of Articles 14 & 16 of the Constitution of India and sought a consequential direction to direct the respondents to consider the cases of the petitioners for transfer by counting the total length of service rendered by them before they were posted on order to serve basis, with all service and monitory benefits.

(b) It is the case of the petitioners that they are working as Senior Assistants with the respondents and they were transferred to the newly cropped up districts on order to serve basis. The

petitioners' case is that as per the transfer counselling Rules, the earlier service rendered by the employees is also to be counted for the purpose of treating them as long standing persons. However, when the respondents were not counting the earlier service rendered by the petitioners, the petitioners filed this writ petition and this Court was pleased to grant interim directions on 21.06.2018 directing the respondents to compute the service rendered by the petitioners prior to the orders to serve also for the purpose of considering their eligibility for transfer and assignment of appropriate placement in the list of persons liable for transfers. The petitioners submit that though this Court was pleased to grant interim directions, the respondents have not extended the earlier service rendered by them and not considered their cases during the transfer counselling.

4. Counsel for the petitioners submitted that even as on today, there are vacancies at various places and the petitioners have submitted detailed representation to the respondents on 17.10.2019, therefore, let the respondents consider the said representation and pass appropriate orders and also the respondents be directed to consider the cases of the petitioners in the existing vacancies by counting the earlier service rendered by the petitioners.

5. Government Pleader appearing for the respondents had contended that if there are vacancies, the respondents would consider the cases of the petitioners and pass appropriate orders on the representation submitted by the petitioners in accordance with law.

6. This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that these writ petitions can be disposed of directing the respondents to consider the representation submitted by the petitioners and also to consider the cases of the petitioners for their appropriate posting in the existing vacancies by giving the benefit of earlier service rendered by the petitioners and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, these writ petitions are disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

28.10.2019

v v

