

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.44511 of 2018

ORDER:

This writ petition is filed seeking the following relief:

“...to issue any appropriate writ, order or direction particularly one in the nature of writ of mandamus, declaring the action of the 3rd respondent in including the petitioners' names also in the list of candidates to be compulsorily allottable to the other new Circles, without considering the fact that they were earlier came to the said circle by foregoing their lien & seniority in Karimnagar Circle, without considering their representations dated 23.10.2018, 25.10.2018 and finally allotting them to the Bhupalapally circle, vide the Memo No. SE/OP/Wgl/DE (T)/PO/JAO/Adm.SA-2/D.No.2635/18, dated 24.11.2018 (Annexure – VI, S.No.24, 23) issued by the 3rd Respondent and the action of the 1st respondent in issuing the N.O.O.Ms.No.145, dated 13.07.2018 and N.O.O.Ms. No.158, dated 02.08.2018, as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and consequently read down/ set aside the said N.O.O.Ms.No.145, dated 13.07.2018 and N.O.O.Ms. No.158, dated 02.08.2018 issued by the 1st Respondent and the Memo No. SE/OP/Wgl/DE (T)/PO/JAO/Adm. S.A.2/ D.No.2635/18, dated 24.11.2018, (in so far as the Petitioners are concerned, i.e. S.No.24, 23 of Annexure – VI) issued by the 3rd Respondent and direct the Respondent to permanently allot the Petitioners to their present Warangal Circle on the Medical grounds of them and their parents and continue the Petitioners at their same places, by considering their representation, dated 27.11.2018 and 27.11.2018 respectively, and pass such other orders as may be just.”

Heard Sri Chandraiah Sunkara, learned counsel for the petitioners, and Sri G.Vidya Sagar, learned Senior Counsel for Sri Zakir Ali Danish, learned Standing Counsel appearing for the respondents.

It has been contended by the petitioners that they are working as Junior Assistants with the respondents and they originally belong to Karimnagar Circle. The petitioners further contend that while they were discharging their duties in Karimnagar Circle, they have submitted their representations to the respondents requesting them to consider their cases for transfer to Warangal Circle, as they have to look after their aged parents, and they also expressed their willingness to forego their lien and seniority in Karimnagar Circle. Thereupon, the request of the petitioners was considered by the respondents and the petitioners were allotted to combined Warangal Circle vide proceedings dated 15.06.2018 on the condition that they should forego their lien and seniority in Karimnagar Circle.

The grievance of the petitioners is that after five months of their being allotted to combined Warangal Circle, the respondents have subjected them to further allocation to Bhupalapally Circle. Challenging the same, the present writ petition is filed.

The petitioners contend that when once they were transferred on request from Karimnagar Circle to combined Warangal Circle, the respondents ought to have retained them in Warangal Circle and they ought not to have subjected them to further allocation to Bhupalapally

Circle and, therefore, the impugned orders are liable to be set aside and the respondents be directed to retain them in Warangal Circle in terms of their earlier allotment vide proceedings dated 15.06.2018.

Sri G. Vidya Sagar, learned Senior Counsel, contended that on allocation of the petitioners to the combined Warangal Circle vide proceedings dated 15.06.2018, combined Warangal Circle was further bifurcated into four Circles and the employees were given opportunity to exercise their option. Learned Senior Counsel further submits that the petitioners have also exercised their option and based upon the availability of vacancies, the petitioners were allotted to Bhupalapally Circle, as there are no existing vacancies in Warangal Circle, and the request of the petitioners to allocate them to Warangal Circle could not be considered.

Learned Senior Counsel has further contended that in pursuance of the orders of final allocation dated 24.11.2018, the petitioners have joined at Bhupalapally Circle and, after joining at Bhupalapally Circle, the present writ petition is filed and, therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

Learned counsel for the petitioners contends that since there are vacancies in Warangal Circle, the cases of the petitioners for retaining them in Warangal Circle can be considered. Learned counsel for the petitioners further contends that since the petitioners have already submitted representations to the respondents on 23.10.2018 and

25.10.2018, let the respondents consider the said representations and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioners to submit a fresh representation to the respondents within two weeks from the date of receipt of a copy of this order and, upon such representation being received, the respondents shall consider the cases of the petitioners for allocation to Warangal Circle if there are any vacancies, and pass appropriate orders within a period of eight weeks thereafter.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

03rd April, 2019
v v