

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No. 39652 of 2022

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Services-II. With the consent of both the parties, the writ petition is being taken up for disposal at the admission stage itself.

2. The present writ petition is filed declaring the Proc.No. No.HM/DI/ZVI/ZV/SEAS/0201 dated 30.12.2021 of the 3rd respondent in allotting the petitioner to Zone V-Yadadri from Zone VI Charminar is as illegal, arbitrary also contrary to guidelines issued in support of G.O.MS.No.317 General Administration (SPF-I) Department dated 06.12.2021 and memo No.1655/SPF-1/2021-6 dated 22.12.2021 and circular memo No 1655/SPF 1/2021-7 dated 23.12.2021 respectively set aside the same and consequently direct the Respondents to re-allot the petitioner from Zone V-Yadadri to Zone VI

Charminar under spouse grounds by considering the appeals dated 31.12.2021 and 02.09.2022.

3. Learned counsel for the petitioner submits that the petitioner herein along with others have filed W.P.No.15313 of 2022, challenging the G.O.Ms.No.317 dated 06.12.2021 and further submits that on instructions from petitioner herein, letter was addressed to the Registry to withdraw the W.P.No.15313 of 2022.

4. Learned counsel for the petitioner further submits that considering identical set of facts and circumstances, this Court vide orders in I.A.No.1 of 2022 in W.P.No.1007 of 2022 and batch dated 29.04.2022, passed the following order:

“In the light of the above, the action of the respondents-State in not providing for consideration of the spouses case of employees working with the Central Government and its organizations undertaking on similar lines with that of the State Government as per Guideline No.23 to G.O.Ms.No.317, dt.06.12.2021 in the view of this Court, is prima facie highly arbitrary.

Accordingly, I.A.No.1 of 2022 in all the writ petitions are allowed and the respondents-State are/is hereby directed to extend the benefit of change of cadre, to the spouses who are working in the Central

Government, its agencies/establishments and undertakings, in terms of Guideline No.23 to G.O.Ms.No.317, dt.06.12.2021, read with Circular Memo No.1655/SPF-I/2021-6, dt.22.12.2021 to the spouses working in the Central Government, its agencies/establishments and undertakings, similarly as extended to the spouses working with State Government and its agencies and consider their applications as expeditiously as possible".

Learned counsel for the petitioner further submits that the petitioner filed appeals dated 31.12.2021 and 02.09.2022 and the same is pending for consideration.

5. Learned Government Pleader for Services-II submits that that the respondents would consider the pending appeals of the petitioner dated 31.12.2021 and 02.09.2022 and this writ petition may be disposed of in terms of the order dated 29.04.2022 passed in I.A.No.1 of 2022 in W.P. No.1007 of 2022 and batch.

6. Having regard to the facts and circumstances of the case and the submissions made by the learned counsel on either side, this writ petition is disposed of in terms of the order dated 29.04.2022 passed in I.A.No.1 of 2022 in W.P. No.1007 of 2022 & Batch with a direction to respondents to

consider the petitioner's appeal dated 31.12.2021 and 02.09.2022 and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four (04) weeks from the date of receipt of the order, after giving a fair opportunity of hearing to the petitioner and communicate the same to the petitioner.

7. Accordingly, this writ petition is disposed of. Miscellaneous application, if any pending, shall stand closed. No order as to costs.

N.V.SHRAVAN KUMAR, J

28.10.2022

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Note:-

Registry is directed to annex the order copy of I.A.No.1 of 2022 in W.P.No.1007 of 2022 and batch dated 29.04.2022 to this order.