

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No.: W.P. No.19195 of 2022

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
3)	12.07.2022	<u>KVL, J</u> Notice before admission returnable in four weeks. Learned Government Pleader takes notice for respondents 1 and 2. Learned counsel for the petitioner is permitted to take out personal notice to the respondents 3 and 4 by RPAD and file proof of service. This Writ Petition is filed questioning the proceedings of the 2nd respondent dated 30.06.2022 to the extent of transferring the petitioner from the 3rd respondent Temple to the 4th respondent Temple, thereby depriving the chances of promotion to the post of Assistant Executive Officer of the 3rd respondent Temple, as arbitrary and illegal. The petitioner was initially appointed as Junior Assistant in the establishment of 3rd respondent Temple through proceedings dated 12.12.1998; thereafter he was promoted as Senior Assistant and further promoted as Superintendent; the 2nd respondent issued proceedings dated 30.06.2022 transferring the petitioner from 3rd respondent Temple to the 4th respondent Temple; the Government framed temple employees transfer rules namely A.P. Charitable and Hindu Religious Institutions and Endowments (transfer of office holders and servants) Rules, 2020 as per G.O.Ms.No.301 dated 12.10.2020 and as per the said Rules, certain exemptions were granted under the said GO and one of the exemptions as per 2nd proviso to Rule 5 is that only those employees who were appointed in the sanctioned posts or approved cadre	

SL. NO.	DATE	ORDER	OFFICE NOTE
		strength posts by the competent authority as per the Rules framed in GO Ms.No.888 dated 08.12.2000 are entitled for transfer. Hence, the Writ Petition. Rule 5 of the A.P. Charitable and Hindu Religious Institutions and Endowments (transfer of office holders and servants) Rules, 2020 reads as follows. “Only the employees who were appointed in the sanctioned posts or approved cadre strength posts by the competent authority as per the rules framed earlier in G.O.Ms.No.888 dated 08.12.2000 are entitled for transfer from one institution to another.” As seen from the said rule, it <i>prima facie</i> appears that only those employees who were appointed as per the rules framed under G.O.Ms.No.888 dated 08.12.2000 can be transferred. Learned counsel for the petitioner submits that as the petitioner was appointed prior to 08.12.2000 he cannot be transferred. He further submits that in similar facts and circumstances, this Court in WP No.19386 of 2022, dated 08.07.2022 passed an interim order. Learned counsel for the petitioner also contends that the promotional chances of the petitioner would also be affected pursuant to the impugned transfer order. The said issue would be decided at the appropriate time after counters are filed. Learned Government Pleader submits that if the interpretation made by the learned counsel for the petitioner is accepted, no person who was appointed prior to 2000 can be transferred and she seeks time to file counter affidavit in the matter. In view of the facts and circumstances, there shall be interim suspension of the impugned proceedings dated 30.06.2022 only to the extent of transferring the petitioner from the 3rd respondent	

SL. NO.	DATE	ORDER	OFFICE NOTE
		Temple to the 4th respondent Temple till 10.08.2022. List the matter on 10.08.2022. Nsr KVL, J	

SL. NO.	DATE	ORDER	OFFICE NOTE

SL. NO.	DATE	ORDER	OFFICE NOTE