

THE HON'BLE SRI JUSTICE V.V.S.RAO
AND
THE HON'BLE SRI JUSTICE K.G.SHANKAR

WRIT PETITION NO.12199 OF 2005

ORDER: (Per the Hon'ble Sri Justice V.V.S.Rao)

Being aggrieved by the memo dated 05.09.2002 issued by the Government of Andhra Pradesh directing repatriation of the petitioner to his parent department and also the consequential order of the second respondent to that effect, the petitioner filed O.A.No.9214 of 2002 before the Andhra Pradesh Administrative Tribunal, Hyderabad (Tribunal). He was heard along with other connected O.As. being O.A.No.9144 of 2002 and batch. By a common order dated 27.04.2005, the learned Tribunal dismissed all the O.As. including O.A.No.9214 of 2002. This order is assailed in these proceedings for a Writ of Certiorari.

The facts, which are not disputed, are as follows. The petitioner was appointed on compassionate grounds as a Junior Assistant in Zilla Parishad, Nalgonda. He was absorbed there with effect from 14.10.1986. Having come to know that there are vacancies in the office of the second respondent, the petitioner, whose wife was working in Hyderabad, submitted a representation for being appointed by transfer as Junior Accountant in the establishment of the second respondent. By proceedings dated 27.06.1998, the second respondent appointed him by transfer as Junior Accountant. He was relieved by the fourth respondent and joined in his new post on 14.07.1998. A year thereafter, he was posted as Assistant Auditor. Be that as it is, the second respondent in obedience to the Government directions vide memo, dated 05.09.2002, issued orders on 25.09.2002 repatriating the petitioner to the fourth respondent.

Before the Tribunal, the petitioner contended that the repatriation, after allowing the petitioner to work in the establishment of the second respondent for a period of four years,

is illegal and arbitrary. The O.A. was opposed by the respondents, *inter alia*, alleging that the Government Memoranda based on which repatriation was ordered are tampered as found by the Vigilance Department; the transfer is irregular and contrary to the Andhra Pradesh Public Employment (Organisation of Local Cadres and Regulation of Direct Recruitment) Order, 1975 (hereinafter, the Presidential Order), and that the petitioner had no right to be continued in the Directorate of Insurance.

Having regard to the Andhra Pradesh Government Life Insurance Subordinate Service Rules, 1983 (hereinafter, the Special Rules), promulgated vide G.O.Ms.No.289, Finance & Planning (Admn.II) Department, dated 18.10.1983, the learned Tribunal came to the conclusion that the inter-district transfers are not permissible by the Special Rules and accordingly, rejected the O.A.

This Court, while admitting the Writ Petition on 10.06.2005, refused to suspend the operation of the proceedings relevant to his repatriation. The petitioner again filed W.P.M.P.No.22005 of 2005 seeking a direction to continue him in the Insurance Department. The same was dismissed on 16.11.2005.

When this matter was called on 12.10.2011, the counsel for the petitioner brought to our notice that the petitioner preferred an SLP against the interlocutory order, which is pending. We, therefore, adjourned the matter to enable him to report the latest position. Today, when the matter is called, the counsel is absent.

We have heard the Assistant Government Pleader for Services-II and perused the order of the learned Tribunal. We have also perused the Special Rules.

The posts of Junior Accountants are Category-III posts under the Special Rules. As per Rule 13, for the purposes of recruitment, appointment, discharge for want of vacancy, seniority, promotion, transfer and appointment as full member, the

unit of appointment insofar as Junior Accountant is concerned is either the Directorate of Insurance or Revenue District. There is no dispute that if the Government reorganised the establishment of the Andhra Pradesh Government Life Insurance Department by establishing as many as 23 District Insurance Offices, and the Directorate of Insurance. Junior Accountants and other employees were appointed by transfer from various other departments. When the post of a Junior Accountant is a District post as per the Special Rules, inter-district transfers are certainly irregular and contrary to the Presidential Order. We are, therefore, convinced that the impugned order of the Tribunal does not suffer from any error apparent on the face of the record.

The Writ Petition fails and is, accordingly, dismissed. In the circumstances, we declined to make any order as to costs.

(V.V.S.RAO, J)

(K.G.SHANKAR, J)

19th October 2011

RRB