HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

WRIT PETITION NO: 14134 OF 2025

Between:

Thejavath Venkati, S/o.Thejavath Venkataiah, Age 49 years, Working as Deputy Executive Engineer, Water Resources Department, O/o. Deputy Executive Engineer (Sub Division) Dr.K.L.R.S P.P Sub Division-5,Jaggaiahpet N.T.R. District, Andhra Pradesh

...PETITIONER

AND

1. The State of Telangana, rep. by its Chief Secretary, General Administration Department, Dr.B.R.AmbedkarTelangana Secretariat Hyderabad
2. The State of Andhra Pradesh, rep. by its Chief Secretary, General Administration Department, AP Secretariat, Velagapudi, Amaravathi, Guntur, A.P
3. The State of Andhra Pradesh, rep. by its Principal Secretary, Water Resources Department A.P. Secretariat, Velagapudi, Amaravathi Guntur, A.P.
4. The State of Telangana, Represented by its Principal Secretary, I and CAD Department, Dr. B.R.AmbedkarTelangana Secretariat, Hyderabad.
5. The Engineer-in-Chief (Administration), I and CAD Department Jalasoudha Building, Errummanzil, Hyderabad
6. The Engineer-in-Chief (Administration), Water Resources Department Vijayawada.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more in the nature of Mandamus declaring the action of the respondent in not considering the case of the petition either on permanent transfer from the State of Andhra Pradesh to the State of Telangana as per the recent policy laid down by both the States i.e., State of A.P. and State of Telangana in Circular Memo No.1896/SPF-II/2021 dt.9.9.2021 and the Circular Memo of the State of Andhra Pradesh in Circular Memo No.1512868/SPFandSP/2021 dt.7.10.2021 inspite of setting aside the clause (f) of circular memo issued by both the States dt.7.8.2017 in W.P.No.14006 and

14062/2018 dt.12.10.2018 and not extending the subsequent judgment of the Division Bench of this Court in W.P.No.44232/2018 dt.26.12.2018 inspite of making application along with prescribed proforma dt.5.11.2021 is an act of illegality violates of Article 14, 16 and 21of Constitution of India and consequently declare that the petitioner is entitled to be transferred on permanent basis as per the above circular or on basis of spouse ground to the state of Telangana in the interests of justice.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue an interim direction directing the respondent both the States forthwith consider the application dt.5.11.2021 along with prescribed proforma keeping in view of the Circular Memos issued by both the states i.e., State of Telangana Circular Memo No.1896/SPF-II/2021 dt.9.9.2021 and Circular Memo of the State of Andhra Pradesh in Circular Memo No.1512868/SPFandSP/2021 dt.7.10.2021 and also keeping in view of the Division Bench Judgment in W.P.No.14006 and 14062/2018 dt.12.10.2018 pending disposal of the above Writ Petition.

Counsel for the Petitioner: M/s. M.TEJASWINI FOR SRI P.V.RAMANA
Counsel for the Respondent No.1: M/s. M.SHALINI, GP FOR SERVICES II
Counsel for the Respondent Nos.2,3 & 6: SRI B.RAJESHWAR REDDY, GP FOR AP
Counsel for the Respondent Nos.4 & 5: SRI S.SATYANARAYANA, GP FOR SERVICES-I

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

W.P.No.14134 OF 2025

ORDER: *(per Hon'ble Sri Justice P.Sam Koshy)*

Heard Ms. M.Tejaswini, learned counsel representing Mr. P.V.Ramana, learned counsel for the petitioner, Ms. M.Shalini, learned Government Pleader for Services-II for respondent No.1, Mr. B.Rajeshwar Reddy, learned Government Pleader for the State of Andhra Pradesh for respondent Nos.2, 3 and 6 and Mr. S.Satyanarayana, learned Government Pleader for Services-I for respondent Nos.4 and 5. Perused the record.

2. The grievance of the petitioner being the inaction on the part of respondent Nos.1 and 2 in taking an appropriate decision on the representation which the petitioner has made to the officers of respondent No.2 for considering allocation from the services of State of Andhra Pradesh to the services under the State of Telangana on the ground of the petitioner's spouse (wife) working in the Telangana State Power Distribution Company Limited (TGSPDCL), to a non-transferable post.

3. Learned counsel for the petitioner contends that the two State Governments, however, have shown a sympathetic approach to the petitioner by sending the petitioner to the State of Telangana on deputation and after completion of the 10 years, he has been sent back to the State of Andhra Pradesh.

4. The learned counsel for the further petitioner submits that the State of Andhra Pradesh had issued a Circular Memo dated 07.10.2021 calling for the employees to exercise their options to those who intend to go to the State of Telangana on permanent basis. The last date for submission of such option was till 07.11.2021. The petitioner has exercised his option for moving to the State of Telangana on permanent basis on the ground of the spouse of the petitioner working in the State of Telangana, on 05.11.2021 i.e , within the period prescribed under the Circular Memo dated 07.10.2021 by the State of Andhra Pradesh. The Government of Telangna also had issued a similar circular on reciprocal basis vide Circular Memo dated 09.09.2021 and the last date for the employees in the State of Telangana who wanted to move to the State of Andhra Pradesh was on 15.10.2021. In terms

of the aforesaid Circular Memos issued by the two States, the petitioner's application which he had exercised his option within the period prescribed in the aforesaid Circular Memo, the same was also further forwarded to the next higher authorities by the authority under whom the petitioner was working. Therefore, there does not seem to be any further progress or a decision taken on the representation made by the petitioner. The petitioner had made his attempt by approaching all the authorities known to him for a favourable consideration of his request for permanent allocation to the State of Telangana, but till date he has not been able to get any success which finally led to the petitioner approaching the writ court by filing writ petition for appropriate direction to the respondent-authorities to be given.

5. Given the factual matrix narrated above and also on perusal of the documents enclosed along with the writ petition, admittedly the petitioner in terms of the Circular Memo dated 07.10.2021 issued by the State of Andhra Pradesh has exercised his option on 05.11.2021 before the competent authority in the department, who, in turn, had forwarded the same to the next higher authorities vide

order dated 08.11.2021. However, the outcome of the said representation is still not given either to the petitioner nor as any order has been communicated to the petitioner insofar as decision, if any, taken on the said application filed by the petitioner. So far as the writ court is concerned, we are conscious of the fact that at this stage, the writ court would not have any power and scope to adjudicate upon the grievance of the petitioner. Nonetheless, the writ court can definitely direct the respondent authorities, more particularly respondent Nos.1 and 2, to take necessary steps in ensuring the petition if the petitioner had filed before the competent authority in the department in which he works, on 05.11.2011 seeking for allocation to the State of Telangana on permanent basis in terms of the Circular Memo issued by the two States on 09.09.2021 and 07.10.2021 i.e., the State of Telangana as also by the State of Andhra Pradesh respectively in accordance with law and any circular guidelines framed in respect of allocation of the employees *inter se* between the States.

6. Accordingly, the writ petition, at this juncture, stands disposed of directing respondent Nos.1 and 2 to take appropriate

decision on the pending application of the petitioner dated 05.11.2021 in accordance with the scheme and guidelines governing the field of allocation as it then stood on the date when the Circular Memo was issued, at the earliest within a period of 90 days. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/- P. PADMANABHA REDDY
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chief Secretary, General Administration Department, Dr.B.R.AmbedkarTelangana Secretariat Hyderabad, State of Telangana.
2. The Chief Secretary, General Administration Department, AP Secretariat, Velagapudi, Amaravathi, Guntur, State of Andhra Pradesh, A.P
3. The Principal Secretary, Water Resources Department A.P. Secretariat, Velagapudi, Amaravathi Guntur, State of Andhra Pradesh, A.P.
4. The Principal Secretary, I and CAD Department, Dr. B.R.AmbedkarTelangana Secretariat, Hyderabad, State of Telangana.
5. The Engineer-in-Chief (Administration), I and CAD Department Jalasoudha Building, Errummanzil, Hyderabad
6. The Engineer-in-Chief (Administration), Water Resources Department Vijayawada.
7. One CC to SRI P.V.RAMANA, Advocate [OPUC]
8. Two CCs to GP FOR SERVICES, High Court for the State of Andhra Pradesh, at Amaravathi. [OUT]
9. Two CCs to GP FOR SERVICES-I, High Court for the State of Telangana, at Hyderabad. [OUT]
10. Two CD Copies

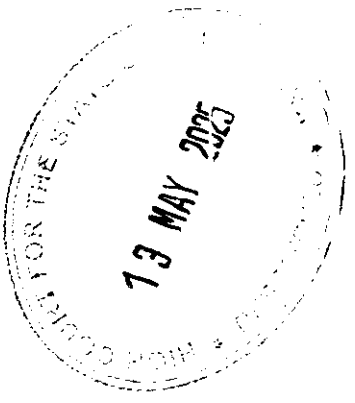
PSK.
GJP

HIGH COURT

DATED:02/05/2025

ORDER

WP.No.14134 of 2025



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(14)

13/5/25