

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION No.19755 of 1995

Between:

Syed Mohibullah

... PETITIONER

AND

APSE Board, rep., by its Secretary,
Vidyuth Soudha, Somajiguda,
Hyderabad & others.

... RESPONDENTS

ORDER:

Heard both sides and at their request the main writ petition is taken up for final disposal.

The writ petitioner, who is working as lineman, filed this writ petition assailing the impugned memo dated 22.11.1995/16.12.1995 of the 3rd respondent, rejecting his representation for treating his earlier service prior to his joining in the division, for the purpose of seniority.

Though several contentions have been urged and also pointed out that the main issue pertains to the period prior to the date of joining in the 3rd respondent office on exercise of option, but however, in the impugned memo there is no finding as to the treatment which is to be given for the period of his service prior to the joining in this division or prior to the date of the option i.e., 27.11.1993.

It is no doubt, the petitioner has given the option and was transferred by the respondents themselves and it is not a voluntary transfer as such losing his seniority or earlier service does not arise. Necessarily, since the option of transfer was at the instance of the respondents, the earlier period has to be given some effect in law. Since there is no proper consideration of the representation of the petitioner, it is felt more desirable to consider afresh and pass orders in accordance with law.

In view of the same, the writ petition is allowed and the impugned memos are set aside. The petitioner is permitted to make a

representation to the respondents within a period of four weeks from today. On receipt of such representation, the respondents are directed to dispose of the same within a period of four weeks thereafter.

Accordingly, the writ petition is allowed. No order as to costs.

B. PRAKASH RAO, J

Date: 05.07.2006

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