

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE FOURTH DAY OF OCTOBER, TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S. SOMAYAJULU
WRIT PETITION No. 22264 of 2021



Between :-

B. Vijaya Kumar, S/o. B.Laxman Rao, Aged about 49 years, Deputy Assistant Commissioner (ST), Chilakaluripeta, Guntur District.

....Petitioner

AND

1. State of Andhra Pradesh, Represented by its Principal Secretary, General Administration (Ser.) Department, A.P. Secretariat, Velagapudi, Amaravathi
2. The Andhra Pradesh Public Service Commission, Represented by its Secretary, M.G. Road, Vijayawada, Krishna District.
3. ~~The~~ The Chief Commissioner for State Taxes, State of Andhra Pradesh, Edupugallu, Vijayawada, Krishna District.
4. The Joint Commissioner of State Tax, Narasaraopet Division, Guntur.
5. State of Andhra Pradesh, Represented by its Principal Secretary, Revenue Department, A.P. Secretariat, Velagapudi, Amaravathi.

....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 writ of Mandamus declaring the revised selection list prepared by the A.P.P.S.C., dated 10-5-2018 pursuant to Notification No. 10/99 in so far as re-allotting the petitioner from the post of Assistant Commercial Tax Officer in Zone III to Assistant Commercial Tax Officer in Zone VI is concerned and the consequential instructions issued by the 1st respondent in Memo.No. 1112077/Ser.A/2020, dt. 4.8.2021 to relieve the candidates pursuant to selection list dt. 10.5.2018 is concerned and the consequential Proc.Ref No.DXZ(2)/288/2017, dt. 21.9.2021 issued by the 3rd respondent and Proc.Rc.No. 73/A5/2021, dt. 23-9-2021 issued by the 4th respondent relieving the petitioner from his present post without any appointment orders as being illegal, arbitrary, unjust, void and without jurisdiction and contrary to the rules and violative of Articles 14,16 and 21 of the Constitution of India besides being contrary to the principle laid down by the Apex Court that settled things cannot be unsettled after a distance of time and consequently hold that the petitioner is entitled to continue as Assistant commercial Tax Officer (now deputy Assistant Commissioner (ST)) in his present post and Zone with all consequential and attendant benefits.

I.A. No. 1 of 2021 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the operation of the impugned Proc.Ref. No. DXZ(2)/288/2017, dated 21-9-2021 issued by the 3rd respondent and Proc.Rc.No. 73/A5/2021, dated 23-9-2021 issued by the 4th respondent and retain and continue the petitioner as Assistant Commercial Tax Officer (now Deputy Assistant Commissioner (ST)) in his present place and Zone III, pending disposal of W.P.No. 22264 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri P. Narasimha, Advocate for the Petitioner and of the G.P. for Services-I for respondent Nos. 1, 3, 4 & 5 and of Sri R.V. Mallikarjuna Rao, Standing Counsel for respondent No.2, the Court made the following

Contd..2....

ORDER :-

“Heard the learned counsel for the petitioner and the learned Government Pleader, who seeks time to get instructions. However, learned counsel for the petitioner points out that in a very large number of cases the issues raised in the present case were considered and interim orders were granted restraining the respondents from posting the petitioners elsewhere or from disturbing their positions. He submits that in the case of the petitioner, orders were granted on 09.9.2021 in W.P.No.19868 of 2021, wherein a clear direction was given to the respondents not to disturb the petitioner from his present post. Despite the same, the orders, dated 23.9.2021, which are now impugned have been given to relieve him.

In that view of the mater, despite the objections being raised by the learned Government Pleader for Services-I, there shall be an interim suspension of the order, dated 23.9.2021 and also the earlier order, dated 02.9.2021, till immediately after vacation i.e., till 20.10.2021.

In this period, learned Government Pleader for Services-I is directed to get instructions.

Post on 20.10.2021 in the ‘Motion List’, for instructions.”

//TRUE COPY//

SD/- K.J. RAJA BABU
ASSISTANT REGISTRAR


SECTION OFFICER

To

- 1.The Principal Secretary, General Administration (Ser.) Department,
State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravathi
- 2.The Secretary, Andhra Pradesh Public Service Commission, M.G. Road,
Vijayawada, Krishna District.
- 3.The Chief Commissioner for State Taxes, State of Andhra Pradesh, Edupugallu,
Vijayawada, Krishna District.
- 4.The Joint Commissioner of State Tax, Narasaraopet Division, Guntur.
- 5.The Principal Secretary, Revenue Department, State of Andhra Pradesh,
A.P. Secretariat, Velagapudi, Amaravathi.
- (Addressee Nos. 1 to 5 by RPAD)
- 8.Two CCs to the G.P. for Services-I, High Court of A.P., at Amaravati(OUT)
- 9.One CC to Sri P. Narasimha, Advocate(OPUC)
- 10.One CC to Sri R.V. Mallikarjuna Rao, Standing Counsel(OPUC)
- 11.One spare copy.

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HIGH COURT

DVSS.J

DT.04-10-2021.

ORDER

W.P.No. 22264 of 2021.

INTERIM SUSPENSION

