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THE ANDHRA PRADESH GAZETTE
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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**DIRECTOR OF TOWN AND COUNTRY PLANNING
GOVERNMENT OF ANDHRA PRADESH :: MANGALAGIRI**

Procgs.Roc.No.6809 / 2012 / M3 (792532).

Dated: 08/02/2023.

O/o DTCP, AP, MANGALAGIRI - COURT CASE - Smt. A. SATYAVANI, TPBO, KURAOOL MUNICIPAL CORPORATION, WORKING ON DEPUTATION AT GHMC, HYDERABAD - WITHDRAWN THE SERVICES OF THE INDIVIDUAL AFTER COMPLETION OF DEPUTATION ORDERS ISSUED BY THE GOVERNMENT - WP No.4059 OF 2015 FILED BY THE INDIVIDUAL IN THE HON'BLE HIGH COURT OF TELANGANA, SEEKING DIRECTIONS FOR HER ABSORPTION IN GHMC, HYDERABAD - PETITIONER'S REQUEST TURN DOWN / NOT CONSIDERED BY THE HON'BLE HIGH COURT OF TELANGANA - RELIEVED AT GHMC, HYDERABAD IN THE LIGHT OF COURT ORDERS - NOT REPORTED TO DUTY EITHER AT O/o DTCP, AP, MANGALAGIRI (HO) OR AT KUMOOOL MUNICIPAL CORPORATION - SHOWCAUSE NOTICE ISSUED FOR NOT REPORTING TO OFFICIAL DUTIES AT THE DUTY STATION AND FOR HER DISOBEDIENCE TOWARDS THE ORDERS OF THE HON'BLE COURT & COMPETENT AUTHORITY AND THEREBY ABSCONDING FROM OFFICIAL DUTIES - TERMINATION OF PROBATION AND DISCHARGED HER FROM SERVICE FOR BEING NOT COMPLIED WITH THE ORDERS OF THE HON'BLE COURTS OF LAW AND ALSO THE ORDERS OF APPOINTING AUTHORITY.

- Read.: 1 G.O.Ms.No.568, M.A., Dt:23-05-1981.
 2 G.O.Ms.No.346, M.A., Dt:20-07-2013.
 3 This office Procdgs.No.8078/2011/M3(S), dt.18-08-2011.
 4 Orders of the Hon'ble High Court of Telangana in WP No.4059 of 2015 & CC No.459 of 2019, dt.04-02-2022 filed by Smt.A.Satyavani, TPBO.
 5 Procdgs.No: 1248/TPS/HO/GHMC/2022/1248, Dt.24-11-2022 of the MC, GHMC, Hyderabad.
 6 Letter No. 1248/TPS/HO/GHMC/2022/1354, dt.17-12-2022 of the Commissioner, GHMC, Hyderabad
 7 This office Showcause Memo No.6809/2012/M3 (792532), dt.05-10-2023.
 8 Written explanation dt.16-01-2023 of Smt.A.Satya Vani, TPBO.

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ORDER :

Smt.A.Satyavani has provisionally selected and allotted by the A.P. Public Service Commission, Hyderabad for appointment to the category of Town Planning & Building overseer in Zone-IV under the A.P. Municipal Town Planning Sub-ordinate Service by Direct Recruitment and she was posted to Municipal Corporation, Kurnool vide this office Procdgs.No.8078/2011/M3(S), dt.18-08-2011 and accordingly she has reported to duty at Municipal Corporation, Kurnool on dt.12-09-2011.

Subsequently, as per the orders of Government issued vide GO.Rt.No.160, MA, dated.30-01-2013, the Directorate of Town and Country Planning Govt., of A.P vide Procdgs., Dated.06-02-2013 has deputed the individual to Greater Hyderabad Municipal Corporation for a period of one year i.e. from 08-02-2013. Subsequently, the Government of A.P vide G.O.Rt.No.220, MA, dated.11-02-2014 has issued orders extending the deputation for a further period of one year w.e.f.08-02-2014. Duly complying the orders of the Government, the DT&CP, Govt. of A.P vide Procdgs.No.6809/2012/M3, dated.15-02-2014 has issued orders of extension of deputation. The said one year extension period also expired by 07-02-2015. Hence the DT&CP Govt., of A.P. vide Procdgs.Roc.No.6809/2012/M3, Dated.26-01-2015 has withdrawn the deputation orders of the individual and directed her to report at Mpl.Corpn., Kurnool forthwith.

Instead of complying the above orders, the individual has filed OA No.589/2015 and the Hon'ble Administrative Tribunal in vide its orders dated.06.02.2015 has issued followong orders :

"Assuming for a moment for the sake of " argument that the applicant is in the State level cadre, then as per section 79 of the said Act, the applicant who is holding the post of Office substantively at Kurnool in the resultant or successor State of Andhra Pradesh shall be deemed to have been only appointed to the post or office by the Government of that successor state. This Tribunal is of the opinion that sections 77 and 79 of the Andhra Pradesh Re-organisation Act, 2014 may not come to the rescue of the applicant"

Further, the Tribunal opined that the question of absorbing or transferring the applicant to GHMC located in the State of Telangana may not arise, since the applicant is not even an approved probationer in her substantive post in the Municipal Corporation of Kurnool in the State of Andhra Pradesh. Therefore, the question of the applicant being continued on deputation in GHMC in the State of Telangana pending consideration of her request for absorption in or transfer to GHMC is out of place. This Tribunal finds that applicant lacks prima facie case in this original application for interference in the matter.

Aggrieved by the orders of the Hon'ble Tribunal, she has filed W.P.No.4059/2015 and the Hon'ble High Court of Telangana in in WP No.4059 of 2015 & CONTEMPT CASE No.459 of 2019, dt.04-02-2022 has made following observations :

'The petitioner, Town Planning Building Overseer, has filed the present writ petition being aggrieved by order dated.06.02.2015 passed in O.A.No.589 of 2015, by which a prayer for quashment of order dated 26.01.2015 passed by the Director of Town and Country Planning, Government of Andhra Pradesh, Hyderabad. The prayer of the petitioner for continuing her on deputation with Greater Hyderabad Municipal Corporation (GHMC) was also turned down by the State Administrative Tribunal.

The undisputed facts of the case reveal that the petitioner was holding a substantive post of Town Planning Building Overseer and the service conditions of the petitioner are governed under the Andhra Pradesh Municipal Town Planning Subordinate Service Rules, issued under G.O.Ms.568, dated 23.05.1981 as amended on 20.07.2013. In the Town Planning Department, the post of Assistant Director of Town Planning is the first level Gazetted post and has been declared as the State-wide post vide Notification dated 04.10.2006 and the posts lower than the Assistant Director of Town Planning, i.e., Town Planning & Building Overseer, Town Planning Supervisor and Town Planning Officer, which are in existence in the Urban Local Bodies are Zonal and Multi- Zonal posts only. Even as per the Presidential Order of 1975, the post of Town Planning Building Overseer is a Zonal post. The State Government, vide Memo dated 05.07.2007 accorded permission to fill up Town Planning Building Overseer posts, the proposals were submitted for issuing Notification for filling up of total 129 posts by Direct Recruitment with full details of Zone-wise vacancy position, roster points etc. The Government Order, dated 14.07.2008 for issuing an advertisement Zone-wise is reproduced therein.

The Andhra Pradesh Public Service Commission, pursuant to the requisition made by the Government issued a Notification No.42 of 2008 inviting applications Zone-wise for Town Planning Building Overseer.

The petitioner (i.e. Smt.A.Satyavani) was selected and was allotted Zone-IV vide recommendation dated 13.08.2011. The petitioner was provisionally selected and allotted by the Andhra Pradesh Public Service Commission for appointment to the category of Town Planning Building Overseer under the Andhra Pradesh Municipal Town Planning Subordinate Service by Direct Recruitment and an appointment order was issued on 18.08.2011. Thus, in short, the petitioner as per her preference was allotted Zone-IV and appointment order was issued for Zone-IV only and the petitioner at no point of time objected to the same. The petitioner was sent on deputation to the GHMC by an order dated 06.02.2013 with effect from 08.02.2013 and the deputation was extended again by one year by an order dated 11.02.2014 with effect from 08.02.2014. **The period of extension expired on 07.02.2015.**

The allocation of an employee has to be done keeping in view the statutory provisions governing the field. As the petitioner is holding the Zonal post, in Zone-IV, she was appointed in Zone-IV pursuant to her selection, has rightly been allocated keeping in view Sections 77 and 79 of the Andhra Pradesh Reorganization Act, 2014 and therefore, the Tribunal was justified in dismissing the Original Application. The GHMC is altogether a different organization and it is not part of Town Planning Department of the State Government. Not only this, the petitioner soon after her joining on 12.09.2011 in Kurnool Municipal Corporation made all attempts for being posted to GHMC and she was posted on deputation with effect from 08.02.2013. The order of deputation has been withdrawn on 26.01.2015 and therefore, in the considered opinion of this Court, by no stretch of imagination, the question of allocating the petitioner to the State of Telangana or directing absorption of the petitioner to GHMC does not arise.

In the considered opinion of this Court, the petitioner has not pointed out any statutory provision of law which creates a statutory right in favour of the petitioner for absorption in the services of GHMC. She is an employee of Town and Country Planning Department and she has been allocated to the State of Andhra Pradesh and therefore, this Court does not find any reason to interfere with the order passed by the Tribunal.

In the present case, the deputation has come to an end on 07.02.2015 and only on account of interim orders passed by the Tribunal or by this Court, the petitioner is continuing with GHMC, which is not her parent department and therefore; as an employee she does not have right to continue on deputation indefinitely and in the present case, the deputation was tenure deputation, the petitioner is not entitled to continue on deputation, especially after withdrawal of the deputation vide order dated 26.01.2015.

While making above observations, the Hon'ble High Court of Telangana has issued orders, confirming the order, dated 06.02.2015 passed in O.A.No.589 of 2015 by the Administrative Tribunal.

Further, the Hon'ble Supreme Court of India, Record of Proceedings, Petition(s) for Special Leave to Appeal (C) No(s).4856-4857/2022 (Arising out of impugned final judgment and order dt.04-02-2022 in WP No.4059/2015 and CC No.459/2019 passed by the High Court for the State of Telangana at Hyderabad) dt.28-03-2022, has issued orders as follows :

1. We are not inclined to entertain the Special Leave Petitions under Article 136 of the Constitution.
2. The Special Leave Petitions are accordingly dismissed.
3. Pending application, if any, stands disposed of.

Summary of the orders of the Hon'ble High Court of Telangana is :

- i. The Hon'ble Administrative Tribunal in O.A.No.589 of 2015, dated.06.02.2015 has issued orders that the question of absorbing or transferring the applicant to Greater Hyderabad Municipal Corporation located in the State of Telangana may not arise, since the applicant is not even an approved probationer in her substantive post in Municipal Corporation of Kurnool in the State of Andhra Pradesh. Therefore, the question of the applicant being continued on deputation in Greater Hyderabad Municipal Corporation in the State of Telangana pending consideration of her request for absorption in or transfer to Greater Hyderabad Municipal Corporation, is out of place. This Tribunal finds that applicant lacks prima facie case in this Original Application for interference in the matter.
- ii. In the present WP, the Hon'ble High Court of Telangana has upheld the orders of the Hon'ble Tribunal by making remarks that 'In the considered opinion of this Court, the petitioner has not pointed out any statutory provision of law which creates a statutory right in favour of the petitioner for absorption in the services of GHMC. She is an employee of Town and Country Planning Department and she has been allocated to the State of Andhra Pradesh and therefore, this Court does not find any reason to interfere with the order passed by the Tribunal'.
- iii. In the present case, the deputation has come to an end on 07.02.2015 and only on account of interim orders passed by the Tribunal or by this Court, the petitioner (i.e.Smt.A.Satyavani, TPBO) is continuing with GHMC, which is not her parent department and therefore; as an employee she does not have right to continue on deputation indefinitely and in the present case, the deputation was tenure deputation, the petitioner is not entitled to continue on deputation, especially after withdrawal of the deputation vide order dated 26.01.2015.
- iv. The Court does not find any reason to interfere with the order passed by the Tribunal and the petitioner is under **obligation to report back to the duty as Town Planning Building Overseer, which is a substantive post.**

Accordingly, duly honouring the Court Directions, the Commissioner, GHMC, Hyderabad vide Proceedings read (5) above has issued orders, relieved her from GHMC on **24.11.2022** with a direction to report before the Director of Town and Country Planning, Govt. of Andhra Pradesh. Guntur immediately.

But on relief at GHMC, Hyderabad, Smt.A.Satyavani, TPBO has not reported to duty in Government of AP either at Kurnool Corporation or at HO, Mangalagiri.

Since the Hon'ble High Court of Telangana has upheld the orders of the Hon'ble Tribunal in O.A.No.589 of 2015, dated 06.02.2015, with an observation that she does not have right to continue on deputation indefinitely and in the present case, the deputation was tenure deputation, the petitioner is not entitled to continue on deputation, especially after withdrawal of the deputation vide order dated.26.01.2015 and also on her relief at GHMC, Hyderabad, she has to report either before the DTCP, AP, or at her parent ULB i.e. Municipal Corporation, Kurnool forthwith.

Moreover, the Probation of Smt.A.Satyavani, in the post of TPBO not yet declared which would attract the provision under Rule 17 of AP State and Subordinate Service Rules and also for being not complied with the orders of the Hon'ble Courts and also the orders of Appointing Authority by not reporting to duty at the duty station from where she was deputed i.e. Kurnool Municipal Corporation or before the undersigned who is the Appointing Authority.

Keeping in view as a final opportunity, Smt.A.Satyavani, TPBO vide Showcause Memo read (7) above has been directed to show-cause the reasons as to why further course of action should not be taken against her as per the provisions under rules for not reporting to official duties at the duty station from where she was deputed i.e. Kurnool Municipal Corporation or before the undersigned who is the Appointing Authority. Failing to submit her explanation and join duty within a fortnight (15 days), it can be construed that she has no valid reasons to show-cause and further course of action will be taken as per Rules in force, without any further notice.

But, Smt.A.Satyavani, TPBO instead of complying the above directions has simply made a request to allow her some more time to join duty on flimsy grounds which is untenable on part of a Government employee. She has given more than sufficient and reasonable opportunity to join duty, but has no result, which is unbecoming on part of an employee who is even not an approved probationer.

Therefore, the matter has been examined in detail in the light of orders dt.04-02-2022 issued by Hon'ble High Court of Telangana in WP No.4059/2015 and CC No.459/2019 and also Hon'ble Supreme Court of India, Record of Proceedings, Petition(s) for Special Leave to Appeal (C) No(s).4856-4857/2022 (Arising out of impugned final Judgment and order dt.04-02-2022 passed by the High Court for the State of Telangana at Hyderabad, dt.28-03-2022 and in exercise of the powers conferred vide the orders issued in GOs read (1) and (2) above, the Probation of Smt.A.Satyavani, TPBO is hereby **Terminated and Discharged her from service** with immediate effect as per the provisions under Rule-17 of AP State and Subordinate Service Rules for being not complied with the orders of the Hon'ble Courts of Law and also the orders of Appointing Authority.

R. J. VIDYULLATHA

Director.

To,
Smt.A.Satyavani, TPBO,
Flat No.203, Block-1, Diamond Apartment, CBCID Colony, Hydernagar, Hyderabad – 500085.
(By RPAD)

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