

SPEED POST

F.No.29/01/2016-SR(S)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

3rd Floor, Lok Nayak Bhavan
New Delhi-110 003
Dated 13.03.2023

ORDER

Subject:- Revision of final allocation of Dr.B.Subba Rayudu, Joint Director Class-A, O/o Director of Animal Husbandry in compliance of Order dated 8.12.2020 in WP (TR) No.5482/2017 of Hon'ble High Court of Telangana at Hyderabad and Order dated 14.9.2022 of Hon'ble Supreme Court in SLPs (C) No.1565-1566/2021 upholding the Order of the Hon'ble High Court – regarding.

Dr.B.Subba Rayudu, Joint Director Class-A, O/o Director of Animal Husbandry was finally allocated to Andhra Pradesh vide Order No.5(2)/2016 dated 14.1.2016.

2. Aggrieved with his allocation to Andhra Pradesh, Dr.B.Subba Rayudu filed an OA No.209/2016 in the AP Administrative Tribunal, which passed an interim order dated 29.1.2016 with the direction that to suspend the operation of the final allocation order, to consider his final allocation to Telangana and to perform his duty at Telangana. Since no quick relief in OA was received, he filed a Writ Petition No.4391/2016 before the then Hon'ble High Court of Judicature at Hyderabad for the States of Andhra Pradesh and Telangana seeking revision of allocation. The Hon'ble High Court in its order dated 16.02.2016 had dismissed the Writ Petition with the direction to AP Administrative Tribunal to pass a speaking order in the case within two weeks after hearing both the parties. Pending hearing of the OA before the AP Administrative Tribunal, the Tribunal was abolished by the Government of India vide Notification dated 15.9.2016. Subsequent to abolition of the AP Administrative Tribunal, the OA was transferred to the then Hon'ble High Court of Judicature at Hyderabad for the State of Andhra Pradesh and Telangana with WP(TR) No.5482/2017.

3. The case was dismissed by the Hon'ble High Court for the State of Telangana at Hyderabad on 8.12.2020 with the direction, as under:-

"Accordingly, W.P.(TR) No.5482 of 2017 and W.P.No.24820 of 2017 are allowed; the proceedings F.No.29/01/2016 – SR(S) dt.14.01.2016 (Order No.5(2)/2016) Ministry of Personnel, PG & Pensions, Department of Personnel and Training, Government of India (6th respondent in W.P. (TR) No.5482 of 2017) as regards the petitioner is set aside; and the 6th respondent in W.P. (TR) No.5482 of 2017 is directed to permanently allocate the petitioner to the State of Telangana w.e.f. 14.01.2016; the State of Telangana shall forthwith give posting to the petitioner in the Cadre of Joint Director- Class-A in the Animal Husbandry Department of the said State and also pay within four (04) weeks, salaries to the petitioner as Joint Director Class-A in the Animal Husbandry Department from 08.03.2017 till

the petitioner is given posting by the said State with interest @ 7% p.a.. No costs."

4. Aggrieved by the order dated 8.12.2020 of the Hon'ble High Court, both the State Governments of Telangana and Andhra Pradesh have filed SLP No.1565-1566/2021 challenging the said order. The Hon'ble Supreme Court vide its order dated 14.9.2022 dismissed the SLPs with the observation as under: -

"In our considered view, there is no infirmity in the impugned judgement and order of the Division Bench of the High Court affirming the judgement of the Single Bench."

5. On receipt of the Order dated 14.9.2022 of the Hon'ble Supreme Court, comments/views about compliance of the Order were sought from both the State Governments of Andhra Pradesh and Telangana. In response, the Government of Telangana vide their communication dated 24.11.2022, informed that they have decided to file review petition against the judgement dated 14.9.2022 as per the opinion obtained from the Additional Advocate General, State of Telangana and requested this Department to implead in the said Review Petition in order to uphold the final allocation orders in respect of Dr.B.Subba Rayudu as the issue involves strict implementation of final allocation orders. Whereas, the Government of Andhra Pradesh vide their letter dated 13.1.2023 has informed that since the juniors to Dr.B.Subba Rayudu in the Andhra Pradesh State have already been promoted to the post of Additional Director (AH), he may be allocated to the State of Telangana as per the orders of the Hon'ble Supreme Court.

6. In the meantime, Additional Solicitor General of India, Hon'ble Supreme Court, who have appeared on behalf of this Department in the matter, has furnished a copy of the affidavit in Contempt Case No.739/2022 filed by Subba Rayudu Vs. Somesh Kumar and 2 others, its interim Order dated 31.1.2023 and a Counter affidavit filed by Special Chief Secretary, Animal Husbandry Department, Government of Telangana (Respondent No.2 in Contempt case) for taking further course of action.

7. On perusal of the Counter affidavit filed by the Special Chief Secretary, Animal Husbandry Department, Government of Telangana, it has been stated that *"... the implementation of the orders of this Hon'ble Court could be made only after the allocation of the petitioner to Telangana by the Department of Personnel and Training, Government of India. Since DoPT has not issued orders revising his allocation, violation of the orders dated 14.9.2022 of this Hon'ble Court does not arise"*.

8. Keeping in view the concurrence given by the Government of Andhra Pradesh in its letter dated 13.1.2023 and the averment of the Special Chief Secretary, Animal Husbandry Department, Government of Telangana in his counter-affidavit to the contempt petition No.739/2022 submitted before the Hon'ble Supreme Court, the Government of India, drawing powers conferred under Section 77(3) of the AP Reorganisation Act, 2014, the Order No. No.5(2)/2016 dated 14.1.2016, is hereby **revised in respect of the final allocation of Dr.B.Subba Rayudu, Joint Director Class-A, O/o Director of Animal Husbandry from Andhra Pradesh to Telangana.**

9. Dr. B.Subba Rayudu, Joint Director Class-A shall be adjusted against an available regular vacancy of Joint Director in the Office of Director of Animal Husbandry, Telangana. However, in case of non-availability of vacancy, Telangana Government shall, either accommodate the petitioner by creating a supernumerary post or adjust against the regular analogous post, till a future vacancy arises in the cadre of Joint Director, O/o Director of Animal Husbandry, Telangana.

R. Venkatesan
13.03.2023
(R.Venkatesan)

Under Secretary to the Government of India
011-24624235

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2. The Chief Secretary,
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3. The Special Chief Secretary,
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5. The Principal Secretary
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