

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.021/00933/2018

Date of Order :18.04.2019.

Between :

1. Venkata Subba Reddy C, s/o C.Aswattama
Narayana Reddy, aged about 34 yrs,
Occ:Assistant Audit Officer, Gr. 'C',
O/o Principal Accountant General (Audit),
Andhra Pradesh, Saifabad, Hyderabad.

2. Murali Krishna R, s/o R.Rama Murthy,
Aged about 40 yrs, Occ:Senior Auditor,
O/o Principal Accountant General (Audit),
Andhra Pradesh, Saifabad, Hyderabad.

...Applicant s

And

1. Union of India, rep., by Comptroller &
Auditor General, 9, Deen Dayal Upadhyaya Marg,
New Delhi-110 124.

2. The Principal Accountant General (Audit),
Telangana, Saifabad, Hyderabad.

3. The Principal Accountant General (Audit),
Andhra Pradesh, Saifabad, Hyderabad.

... Respondents

Counsel for the Applicants ... Dr.A.Raghu Kumar

Counsel for the Respondents ... Mr.V.Vinod Kumar, Sr.CGSC

CORAM:

**THE HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
THE HON'BLE MR.B.V.SUDHAKAR, MEMBER (ADMN.)**

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ORAL ORDER

(As per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman)

The applicants are working as Assistant Audit Officer/Senior Auditor respectively in the office of the Principal Accountant General (Audit), Andhra Pradesh, Saifabad, Hyderabad.

2. In the context of bifurcation of State of Andhra Pradesh, two offices of the Principal Accountant General (Audit) were formed for the State of Andhra Pradesh and Telangana. The administration issued proceedings dated 04.08.2017 inviting options from the employees. While the first applicant opted for allotment to the Telangana Unit, the second applicant opted for Andhra Pradesh Unit. On finding that adequate number of employees are not opting for the newly carved out Andhra Pradesh Unit i.e., the 3rd respondent, options were invited for the second time, on 07.11.2017, from such of the employees who opted for Telangana Unit. This time, the first applicant changed the option to the Andhra Pradesh Unit.

3. The issue was revised by the office of the first respondent and on the basis of the instructions issued by them on 19.07.2018, fresh options were once again called for on 01.08.2018 only from those employees, who earlier opted for Telangana Unit. The applicants feel aggrieved by the action of the respondents in so far as they were not permitted to exercise

option independently, in response to the proceedings dated 01.08.2018. They contend that the approach of the respondents is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India, and filed this O.A.

3. The respondents filed a counter affidavit opposing the OA. They stated that consequent upon bifurcation of the State and establishment of separate units in the States of Telangana and Andhra Pradesh, options were invited from the employees of the combined unit. It is also stated that when the options exercised in favour of the newly constituted Andhra Pradesh Unit was not encouraging, the exercise was repeated twice. It is stated that when the effort is only to procure more employees for the Andhra Pradesh Unit, the question of providing free options does not arise.

4. We heard Dr.A.Raghu Kumar, learned counsel appearing for the Applicants and Mr.V.Vinod Kumar, learned senior standing counsel appearing for the Respondents.

5. Way back in the year 2017, the applicants exercised their option in the context of establishment of two separate offices in the States of Telangana and Andhra Pradesh. While the first applicant opted for Telangana Unit, the 2nd applicant opted for Andhra Pradesh Unit.

6. For the second time, options were invited on 07.11.2017. The purpose of issuing this notification is reflected in Para 1 of the said office order, which reads as under:

“1. Some of the members who previously opted to Office of PAG (Audit), Andhra Pradesh requested to come back to Telangana due to some family/personal problems. The Association request you to consider their requests to be allocated to the Office of PAG (Au), Telangana, on humanitarian grounds.”

It is in response to this, that the first applicant changed his option for Andhra Pradesh Unit.

7. The circumstances under which the office order dated 01.08.2018 was issued, are indicated in the following Paras:

“Options were called for allotment of Staff between the offices of Principal Accountant General (Audit), Andhra Pradesh and Principal Accountant General (Audit), Telangana, vide Office Order No.1, dated 04.08.2017. As per the options received, majority of the Staff have opted for allocation to Office of the Principal Accountant General (Audit), Telangana. Considering the acute deficit for O/o PAG (Audit), Andhra Pradesh and the requests from Service Associations, those officials who opted for O/o PAG (Audit), Telangana, were allowed to revise their option for allotment to O/o PAG (Audit), Andhra Pradesh, vide Office Order No.06, dated 07.11.2017.

Office of the Comptroller and Auditor General of India, vide Lr.No.1064-Staff (App)-1/22-2017 dated 19th July 2018, has conveyed the approval of the Competent Authority for the following effective dates regarding cadre bifurcation between O/o PAG (Audit), Andhra Pradesh, Amaravati and O/o PAG (Audit), Telangana, Hyderabad:

(i). Cadre of staff between the offices of PAG (Audit), Andhra Pradesh and PAG (Audit), Telangana will be bifurcated from **1st October 2018**.

(ii). Physical movement of all the officials who have opted for O/o PAG (Audit), Andhra Pradesh from Hyderabad to Vijayawada/Amaravati will be completed by **April 2019**.”

8. Once it is clear that the very purpose of issuing the office orders for second and third time is to explore the possibility of getting more employees in the Andhra Pradesh Unit, the question of giving a free option does not arise.

9. Across the Bar, the learned counsel for the Applicants submitted that the possibility of availing the services of the employees from a surplus unit to a deficit unit on deputation is being explored and in such an event, a different connotation arises for the purpose of exercising options. It is

difficult to accept this contention. The reason is that the facility of deputation is not something new that was invented for creating separate offices in the States of Telangana and Andhra Pradesh. It is an existing and time tested practice, evolved to meet the exigencies of administration.

11. We, therefore, do not find any merit in this OA and the same is accordingly dismissed. There shall be no order as to costs.

Sd/-

**(B.V.SUDHAKAR)
MEMBER (ADMN.)**

Sd/-

**(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN**

Dated: this the 18th day of April, 2019
Dictated in the Open Court

Dsn.