

GOVERNMENT OF ANDHRA PRADESH

OFFICE OF THE ENGINEER-IN-CHIEF,
PUBLIC HEALTH, A.C.GUARDS,
HYDERABAD-500 004.

Endt. No. E1/74/2015.

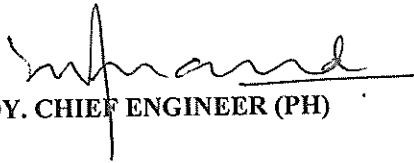
Dated:18-04-2015.

Copy of Interim order in O.A 2004 of 2015 Dt.16-4-2015 of Hon'ble APAT, Hyderabad is herewith communicated to all the Superintending Engineers (PH) with a direction to comply with the orders of A.P,A.T.

Sd/-
ENGINEER-IN-CHIEF (PH)

To
All Superintending Engineers (PH).
Copy to Engineer-in-Chief's Table
Copy to Dy.Chief Engineer's Table.
Copy to E1-Section.

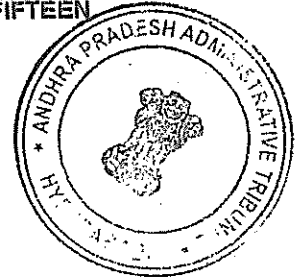
// F.B.O.//


DY. CHIEF ENGINEER (PH)

FORM NO.7 BY REGD.POST WITH ACK.DUE
IN THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL :: AT HYDERABAD
THURSDAY, THE SIXTEENTH DAY OF APRIL, TWO THOUSAND AND FIFTEEN

::CORAM::

HON'BLE THE CHAIRMAN,
AND
HON'BLE SRI K. RATNA KISHORE, MEMBER(ADM.)



O.A.No.2004 of 2015

BETWEEN

V. Krishna Sumanth, S/o. V.Yazna Prasad, Aged About 24 Years,
Unemployee, R/O. H.No. 1-43, Near Ramalayam, Narni Maraka
Village, Via Doddipatla, Elamanchili Mandal,
West Godavari District. 534 266.

APPLICANT

AND

1. The Superintending Engineer (PH), Gosamrakshnapet,
Andhra Nagar Reservoir Compound, Rajahmundry,
East Godavari District. 533103,
2. The Engineer-in-Chief (Public Health),
Public Health and Municipal Engineering Department,
State of Andhra Pradesh, Hyderabad.,
3. The Commissioner and Director of Municipal Administration,
State of A.P., Hyderabad.,
4. The State of Andhra Pradesh, Represented By its
Principal Secretary, Municipal Administration and Urban
Development Department, Secretariat, Hyderabad - 22,

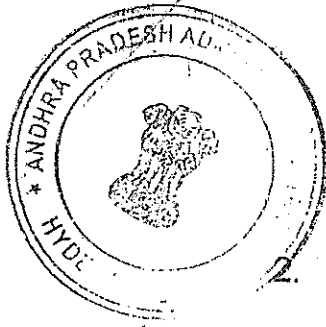
RESPONDENTS

Upon motion this day made into this Tribunal MR. K. NARAYANA, ADVOCATE,
for the applicant and the Tribunal being of opinion that the records relating to and
touching upon all the matter and contentions raised in the Memorandum of Original
Application together with the decision therein, should be called for and perused.
IT IS HEREBY ORDERED:

That you, the aforesaid Respondents to send for our use in Andhra Pradesh
Administrative Tribunal at Hyderabad all and singular the said records and others with
all things touching the same as fully and perfectly as they have been made by you and
now remain in your custody or power together with this Rule Nisi returnable within
6 weeks.

This Original Application coming on today for orders as to admission and interim
relief, upon perusing the application and the material papers filed there with and upon
hearing the arguments of MR. K. NARAYANA, ADVOCATE, for the applicant and of
GP FOR MA & UD (SER.) on behalf of Respondents, the Tribunal made the following:

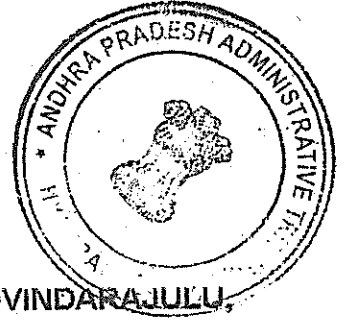
: ORDER :
(Contd...)



O.A.No.2004/2015

Admit. Notice to the respondents returnable in six weeks.

2. For prescribing educational qualification of B.E./B.Tech./AMIE for applying for the post of A.Es/A.E.Es/M.A.Es by the Graduate Engineer Apprentices, of not earlier than 2013 Graduates who have obtained their Engineering Degrees, is *prima facie* unreasonable; and limiting the applicants with Engineering Degrees from the year 2013 and thereafter is *prima facie* against Articles 14 and 16 of the Constitution of India, in the case of recruitment to public service. Therefore, the said prescription in G.O.Ms.No.65 Municipal Administration and Urban Development (C) Department dated 02.04.2015 inviting applications from Engineering Graduates of not later than the year 2013 shall stand suspended not only to the applicant but also all the similarly placed aspirants in the State. Therefore, pending further orders in this Original Application, Superintending Engineer, Public Health in each zone including the 1st respondent herein as well as the 2nd respondent are directed to receive applications from the applicant as well as similarly placed applicants in the State and consider their applications for the purpose of selection.



WITNESS THE HON'BLE SRI JUSTICE SAMUDRALA GOVINDARAJULU,
CHAIRMAN, A.P. ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

16th Issued under my hand and the seal of the Tribunal, this the
day of April, 2015.

Sd/-M. ANURADHA,
ASSISTANT REGISTRAR

Phanendra Reddy M. S.
SECTION OFFICER

Note: 1. Copy of Original Application is enclosed herewith.

2. The receipt of this order be treated as receipt of Rule Nisi in
the above mentioned O.A.

COPY TO :

1. The Superintending Engineer (PH), Gosamrakshnapet, Andhra Nagar Reservoir Compound, Rajahmundry, East Godavari District. 533103,
2. The Engineer-in-Chief (Public Health), Public Health and Municipal Engineering Department, State of Andhra Pradesh, Hyderabad.,
3. The Commissioner and Director of Municipal Administration, State of A.P., Hyderabad.,
4. The Principal Secretary, Municipal Administration and Urban Development Department, State of Andhra Pradesh, Secretariat, Hyderabad - 22,
5. One CC to MR. K. NARAYANA ,ADVOCATE,
6. One CC to GP FOR MA & UD (SER.)

VRK.

R/BY

C/BY

IN THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL AT
: HYDERABAD.

O.A.No. 2004 of 2015

I N D E X

Sl.No:	Description of the Document	P.Nos.	Annexure No.
01.	Application.	1 to 5	
02.	G.O.Ms.no. 65, dated 2-4-2015	6 to 7	A-I
03.	Notification dated 4-4-2015	8 to 12	A-II
04.	Apprenticeship Act.	13 to 40	A-III
05.	A.P. Public Health and Municipal Engineering Service Rules issued in G.O.Ms.No. 168, dt. 202.65	41 to 55	A.IV
06.	Qualification certificates of the applicant.	56 to 59	A.V

SIGNATURE OF THE APPLICANT

For office use only:

DATE OF REGISTRATION:

SIGNATURE OF THE REGISTRAR

IN THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL
AT : HYDERABAD.

O.A.No. of 2015

Between:

V.Krishna Sumanth, S/o. V.Yazna Prasad,
Aged about 24 years, Unemployee, R/o.
H.No. 1-43, Near Ramalayam, Narni Maraka
Village, Via Doddipatla, Elamanchili Mandal,
West Godavari District. 534 266.

Applicant.

A n d

1. The Superintending Engineer (PH),
Gosamrakshnapet, Andhra Nagar
Reservoir Compound, Rajahmundry,
East Godavari District. 533103.
2. The Engineer-in-Chief (Public Health),
Public Health and Municipal Engineering
Department, State of Andhra Pradesh,
Hyderabad.
3. The Commissioner and Director of Municipal
Administration, State of A.P., Hyderabad.
4. State of Andhra Pradesh, represented
by its Principal Secretary, Municipal
Administration and Urban Development ©
Department, Secretariat, Hyderabad - 22.

Respondents

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE APPLICANT: The particulars of the applicant are as shown above in the cause title.

The address for service of all notices, summons and process on the above named applicant is that of his counsel Mr. K.Narayana, Advocate, 1-8-722, Flat No. 401, Shiva Sai Apartments, Market Road, Nallakunta, Hyderabad-44.

2. PARTICULARS OF THE RESPONDENTS: The particulars of the respondents are as shown above in the cause title.

3. PARTICULARS OF THE ORDER:

The applicant is aggrieved by the impugned Condition incorporated in Para 5 (1) of G.O.Ms.No. 65, MA&UD., dated 2-4-2015 and Para (a) of the Notification No. E1/74/2015, dated 4-4-2015 issued by the 2nd respondent in so far as prescription of condition that the candidates who have obtained Degree in Engineering not earlier than 2013 are alone eligible to apply for the post of A.E.Es./A.Es./M.A.Es., Apprentice is concerned which is illegal, arbitrary, unjust and subversive of Articles 14, 16 and 21 of the Constitution, discriminatory and unreasonable classification and also contrary to the Apprentice Act, 1961 and also the A.P. Public Health and Municipal Engineering Service Rules, 1965.

4. JURISDICTION:- The O.A. is within the jurisdiction of the Tribunal as per Section 15 of the Administrative Tribunals Act, 1985.

5. LIMITATION: The O.A. is within the time as per Section 21 of the Administrative Tribunals Act, 1985.

6. FACTS OF THE CASE:

a) The applicant submits that he studied classes I to X except Class VII at Palakole, West Godavari District and studied 7th class in Rajole of East Godavari District. Thus the applicant is local of West Godavari District in Zone II. It is relevant to submit that the applicant passed B.Tech., in Civil Engineering in the year 2012 from J.N.T.U. Kakinada and also passed M.Tech., in Structural Engineering in December, 2014 from J.N.T.U., Kakinada.

b) The applicant submits that the Government issued G.O.Ms.No. 65, MA&UD., dated 2-4-2015 for filling up of 318 posts in the cadre of Assistant Engineers/Assistant Executive Engineers/Municipal Assistant Engineers by Graduate Engineers of Apprentices on apprenticeship basis as per provisions of Apprenticeship Act, 1961. Based on the said orders, the 2nd respondent issued Notification No. E1/74/2015, dated 4-4-2015 inviting applications from the eligible candidates for the Graduate Engineers Apprentices under the Apprentice Act, 1961 from those who have obtained Engineering Degree not earlier than

2013 which is highly illegal, arbitrary, unjust and subversive of Articles 14, 16 and 21 of the Constitution.

c) The applicant submits that according to sub-para (1) of Para-5 of the said G.O., the qualification prescribed for appointment of Graduate Engineers Apprentices is B.E./B.Tech/AMIE in Civil/Structural Transportation/Environmental degree. A condition is imposed that the applicant who has obtained Engineering Degree in the above disciplines not earlier than 2013 are only eligible to apply for the said post. The applicant submits that being aggrieved by the aforesaid condition prescribing that the candidates should have obtained degree not earlier than 2013 for applying the said post, the applicant is filing the present O.A. This condition is clearly denying opportunity to the applicant since he has obtained Graduation Degree in the year 2012 which is clearly discrimination and also an unreasonable classification among the equal set of people and such the stipulation of the said condition is violative of Articles 14, 16 and 21 of the Constitution of India.

d) The applicant submits that the Andhra Pradesh Public Health and Municipal Engineering Service Rules, 1965 are framed under G.O.Ms.No. 168, MA., dated 20-2-1965. The post of A.E.Es. are included in the category 5 and 5-A of Rule 2 of the said rules. The qualifications for the said post are prescribed in Rule 6, according to which, there is no such condition of year of obtaining degree in Engineering for appointment to the post of Assistant Executive Engineer.

e) It is relevant to submit that the qualifications for being engaged as Apprentice are prescribed in Section 3 of the Apprentices Act, 1961. No where it is stipulated that a person who has obtained in Degree in Engineering in certain period is only eligible for apprentice. Therefore the stipulation of condition in G.O.Ms.No. 65, dated 2.4.2015 and in the Notification No. E1/74/2015, dated 4-4-2015 that the candidates who have obtained Degree not earlier than 2013 are only eligible is totally illegal and contrary to the Rules as also Apprentice Act and therefore liable to be struck down.

f) The applicant submits that last date for making application for the said post of A.E.E. is 20-4-2015. As aforesaid, the respondents shall not entertain the application of the applicant for the post of A.E.E. on the untenable ground that the applicant had obtained degree prior to 2013. Therefore unless and until this Hon'ble Tribunal is pleased to issue interim directions, the applicant would suffer irreparable loss and hardship which cannot be compensated later:

7. REMEDIES EXHAUSTED: The applicant has no other effective alternative remedy except to approach this Hon'ble Tribunal.

8. MATTERS NOT PREVIOUSLY FILED OR PENDING: The applicant has not filed any other O.A./W.P. in this regard and such a case is not pending in any court or authority of law.

9. MAIN RELIEF: It is therefore prayed that this Hon'ble Tribunal may be pleased to call for the records relating to the Condition in Para 5 (1) of G.O.Ms.No. 65, MA&UD., dated 2-4-2015 and Para (a) of the Notification No. E1/74/2015, dated 4-4-2015 issued by the 2nd respondent in so far as prescription of condition that the candidates who have obtained Degree in Engineering not earlier than 2013 are alone eligible to apply for the post of A.E.Es./A.Es./M.A.Es., Apprentice is concerned and struck down the same as being illegal, arbitrary, unjust and subversive of Articles 14, 16 and 21 of the Constitution, discriminatory and unreasonable classification and also contrary to the Apprentice Act, 1961 and also the A.P. Public Health and Municipal Engineering Service Rules, 1965 and consequently declare that the applicant is entitled to participate in the process of selection for the post of for the post of A.E.Es./A.Es./M.A.Es., Apprentice pursuant to Notification No. E1/74/2015, dated 4-4-2015 issued by the 2nd respondent with all consequential benefits and pass such other and further orders as this Hon'ble Tribunal may deem fit and proper.

10. INTERIM RELIEF: Pending disposal of the above O.A. it is prayed that this Hon'ble Tribunal may be pleased to direct the respondents to receive the application of the applicant for the post of Graduate Engineer Apprentice without reference to the Condition in Para 5 (1) of G.O.Ms.No. 65, MA&UD., dated 2-4-2015 and Para (a) of the Notification No. E1/74/2015, dated 4-4-2015 issued by the 2nd respondent in so far as prescription of condition that the candidates who have obtained Degree in Engineering not earlier than 2013 are alone eligible to apply for the post of A.E.Es./A.Es./M.A.Es., Apprentice is concerned and pass such other and further orders as this Hon'ble Tribunal may deem fit.

11. In the event of the application being
Sent by Registered Post, it may be
Stated whether the applicant desires to
Have oral hearing at the admission stage, : ---
And if so he shall attach a self addressed
Post card/inland letter at which intimation
Regarding the date of hearing could be sent to him.

12. COURT FEE;

IPO No. & Date :
Name of the Post Office:

13. ENCLOSURES:

- i) Court Fee,
- ii) IPO,
- iii) Vakalat
- iv) Material Papers etc.

VERIFICATION

I, the undersigned applicant herein do hereby verify that the contents in the above paras are true to my personal knowledge and belief and I have not suppressed any material facts.

SIGNATURE OF THE APPLICANT

HYDERABAD.

DATED:

COUNSEL FOR APPLICANT.