
(2012) 09 AP CK 0067

In the Andhra Pradesh High Court

Case No : Writ Petition No. 27933 of 1996

V. Mahadeva Reddy

APPELLANT

Vs

Tirumala Tirupati Devasthanams and others

RESPONDENT

Date of Decision : 25-09-2012

Acts Referred:

Constitution of India, 1950 — Article 12, 14, 16

Citation : (2013) 1 ALD 1 : (2012) 6 ALT 238 : (2013) 136 FLR 754 : (2013) LabIC 3347 : (2013) 1 LLN 425

Hon'ble Judges : P.V. Sanjay Kumar, J; Godaraghuram, J; G.V. Seethapathy, J

Bench : Full Bench

Advocate : M. Surender Rao, for the Appellant; M. Adinarayana Raju, S.C. for TTD for Respondent No. 1, G.P. for Revenue for Respondent No. 2 and Mr. C. Sunil Kumar Reddy, S.C. for APSRTC, for the Respondent

Final Decision : Dismissed

Judgement

P.V. Sanjay Kumar, J.—Divergent opinions expressed by two Division Benches of this Court constrained a learned single Judge to direct this matter to be placed before a Division Bench to resolve the conflict. The Division Bench that heard the matter on 10.10.2007 was of the opinion that it deserved to be considered by a larger Bench. The matter was accordingly listed before this Full Bench. The petitioner was originally an employee of the Andhra Pradesh State Road Transport Corporation (APSRTC). In its service, he ascended the promotional hierarchy and was a Mechanical Foreman when sent on deputation in March, 1990 to the Tirumala Tirupati Devasthanams (TTD). His promotion to this post was from the feeder category of Assistant Mechanical Foreman in the APSRTC. While so, in the year 1992, the petitioner requested the TTD to absorb him in its service on regular basis. By Resolution No. 723 dated 11.12.1992, the TTD resolved to absorb him in its service by downgrading the post of Depot Manager, Transport Department, TTD, to that of Mechanical Foreman in the cadre of Assistant Executive Officer, duly protecting his pay. The APSRTC consented to this move and the TTD requested the Government of Andhra Pradesh to approve the

petitioner's absorption in TTD service. By G.O.Rt.No. 722, Revenue (Endt.III) Department, dated 28.05.1993, the Government ratified the action of the TTD in absorbing the petitioner as a Mechanical Foreman in its service.

2. While matters stood thus, the TTD passed Resolution No. 888 dated 07/08.12.1994 resolving to repatriate all deputationists absorbed in its service to their parent departments. This resolution was occasioned by the Supreme Court's order dated 17.08.1994 in Civil Appeal No. 184 of 1988 confirming the Division Bench Judgment of this Court in R.Suryanarayana Murthy v. The Principal Secretary to Government, Government of Andhra Pradesh and others Writ Appeal No. 1166 of 1986 dated 9-11-1987. This case involved a Public Relations Officer in the TTD who initially entered its service on deputation and was thereafter absorbed permanently in its service. As the Supreme Court confirmed the view taken by the Division Bench that an employee on deputation to the TTD could not be absorbed in its service as per rules and as there were others in its service who were initially brought on deputation but were thereafter absorbed on a permanent basis, the TTD passed the resolution as aforesaid. Pursuant to this resolution, the APSRTC, by its office order dated 12.12.1996, cancelled the deputation of the petitioner and directed him to report for posting orders.

3. Challenging the TTD's Resolution No. 888 dated 07/08.12.1994 and the office order dated 12.12.1996 of the APSRTC, the petitioner filed the present writ petition. By interim order dated 30.12.1996, this Court directed status quo to be maintained. By virtue thereof, the petitioner continued in the service of the TTD and retired on 31.07.2007 upon attaining the age of superannuation. He filed W.P.No. 26923 of 2009 before this Court for release of his retirement benefits. Pursuant to the interim order dated 15.06.2010 passed therein, the TTD, by proceedings dated 24.09.2010, directed release of his pension and retirement benefits upon his executing an indemnity bond. By proceedings dated 13.05.2011, the pensionary benefits of the petitioner were sanctioned subject to the final orders in the pending cases, including this writ petition.

4. This, then, is the factual milieu.

5. The short question that falls for our consideration is whether an employee on deputation to the TTD can be absorbed in its service under the Tirumala Tirupati Devasthanams' Employees Service Rules, 1989 (for brevity, "the Rules of 1989") framed vide G.O.Ms.No. 1060, Revenue (Endowments-I), dated 24.10.1989.

6. In R.Suryanarayana Murthy (1 supra), the Division Bench was dealing with the absorption in the TTD of an Assistant Director in the Department of Information and Public Relations, Government of Andhra Pradesh, who was sent on deputation as a Public Relations Officer to the TTD. The learned single Judge had held that such absorption was contrary to the then extant Tirumala Tirupati Devasthanams' Office Holders and Servants (other than Hereditary Office Holders) Recruitment Rules, 1978 (for brevity, "the Rules of 1978") framed vide

G.O.Ms.No. 1350, Revenue (Endowments-III), dated 02.08.1978, as the said Rules did not contemplate absorption of officers on deputation as a method of recruitment. In appeal before the Division Bench, it was contended that though the Rules did not provide for absorption of an employee on deputation, they would only apply to recruitment at the initial stage and as the person on deputation had already entered the service of the organization he could be absorbed on a permanent basis thereafter as there was no prohibition under the Rules. The Division Bench, however, was not persuaded to agree in the light of the edict of the Supreme Court in *G. Muniyappa Naidu Vs. State of Karnataka and Others*, and held that the matter was squarely covered by the same. The Bench was therefore disinclined to accept the Calcutta High Court's view in *West Bengal Industrial Development Corporation Limited and Others Vs. West Bengal Industrial Development Corporation Employees Union and Another*, which held to the contrary. The Bench consequently upheld the view of the learned single Judge that absorption of the Government employee sent on deputation to the TTD was illegal. This Judgment was challenged by the TTD before the Supreme Court but its appeal was dismissed on 17.08.1994.

7. It was because of this dismissal that the TTD passed Resolution No. 888 dated 07/08.12.1994 to repatriate all the employees brought on deputation who were absorbed in its service thereafter. Apart from the petitioner herein, various others similarly situated were adversely affected by this resolution. D.Srinivasulu Reddy was one such. He was originally a Security Sub-Inspector in the APSRTC and was promoted thereafter to the post of Chief Security Inspector. He was brought on deputation to the TTD as a Vigilance Inspector in May 1992. Upon his representation, the TTD resolved on 18.11.1992 to absorb him in its service. As the APSRTC and the State expressed their lack of objection, he was absorbed on a permanent basis in the TTD. Pursuant to the TTD's Resolution No. 888 dated 07/08.12.1994 and its later Resolution dated 10.05.1995, the TTD repatriated him to the APSRTC. He filed W.P.No. 21445 of 1995 before this Court challenging these resolutions. A learned single Judge, by order dated 20.10.1998, in *D. Srinivasulu Reddy Vs. Tirumala Tirupati Devasthanam and others*, followed *C. Muniyappa Naidu* (2 supra) and *R.Suryanarayana Murthy* (1 supra) and dismissed the writ petition.

8. In appeal in *D.Srinivasulu Reddy v. The Executive Officer, Tirumala Tirupati Devasthanams, Tirupati Writ Appeal No. 1933 of 1988* dated 29-10-2001, the Division Bench took an altogether different view. The Bench was of the opinion that the only question which arose for consideration was whether, despite his permanent absorption in the TTD, the Trust Board could repatriate D.Srinivasulu Reddy to the APSRTC by cancelling its earlier resolution. The Bench answered this question in the negative. Dealing with *R.Suryanarayana Murthy* (1 supra), the Bench pointed out that in the said case, the Court had considered the Rules of 1978 framed under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1966 (for brevity, "the Act of 1966") whereunder, the maximum period of deputation was only 5 years. The Bench

opined that by necessary implication, the absorption of an employee on deputation was prohibited. The Bench observed that the decision in R.Suryanarayana Murthy (1 supra) was clearly distinguishable.

9. Referring to C.Muniyappa Naidu (2 supra), the Bench stated that no provision existed in the said case for permanent absorption while in the instant case, the Rules of 1989 framed under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for brevity, "the Act of 1987") clearly postulated appointment by loan of service. The Bench stated that when appointment could be made by loan of service the same would lead to an inference that such appointment could also be made by absorbing the employee on deputation on a permanent basis. The Bench stated that failing such construction, one of the modes of appointment in terms of Annexure-II of the Rules would become otiose and could not be countenanced. The Bench held that once D.Srinivasulu Reddy was absorbed legally in the service of the TTD, the question of his repatriation to his parent department did not and could not arise. The Bench referred to the Supreme Court's decision in Umapati Choudhary Vs. State of Bihar and Another, and more particularly, the following observations therein:

Deputation can be aptly described as an assignment of an employee (commonly referred to as the deputationist) of one department or cadre or even an organization (commonly referred to as the parent department or lending authority) to another department or cadre or organization (commonly referred to as the borrowing authority). The necessity for sending on deputation arises in public interest to meet the exigencies of public service. The concept of deputation is consensual and involves a voluntary decision of the employer to lend the services of his employee and a corresponding acceptance of such services by the borrowing employer. It also involves the consent of the employee to go on deputation or not. In the case at hand all the three conditions were fulfilled.

10. The Bench concluded that having regard to the above judgment, it had no alternative but to hold that the learned single Judge had erred in dismissing the writ petition. D.Srinivasulu Reddy was accordingly declared to be an employee of the TTD.

11. It is in the light of this conflicting view of the Division Bench in D.Srinivasulu Reddy (5 supra), that the present conundrum arises.

12. Sri M.Surender Rao, learned counsel for the petitioner, would contend that as the very same resolution was struck down by the Division Bench in D.Srinivasulu Reddy (5 supra), the same benefit should be extended to his client. Learned counsel would contend that the observations made by the earlier Division Bench in R.Suryanarayana Murthy (1 supra) in the context of the Rules of 1978 framed under the Act of 1966 would have no application to a case arising in the context of the Rules of 1989 framed under the Act of 1987. He would assert that there is

no actual conflict between the views of the two Division Benches as they arose in different statutory contexts.

13. On the other hand, Sri M.Adinarayana Raju, learned standing counsel for the TTD, would contend that though the Rules under consideration before the two Division Benches were separate and distinct they were practically in *pari materia*. The learned standing counsel asserted that the observations in R.Suryanarayana Murthy (1 *supra*) would squarely apply even to a situation arising under the Rules of 1989 and that the Division Bench in D.Srinivasulu Reddy (5 *supra*) erred in distinguishing between the two cases on the sole ground that R.Suryanarayana Murthy (1 *supra*) considered the Rules of 1978 and not the Rules of 1989.

14. Perusal of the Rules of 1978 and the Rules of 1989 reflects that in so far as appointment and method of recruitment are concerned, they broadly speak to the same effect. Rule 6 of the Rules of 1978 deals with this aspect and reads as under:

6. Appointment and method of recruitment:- The method of recruitment for appointment, qualifications and the age prescribed for the various posts shall be as specified in columns (3), (4) and (5) against each post in Annexure-II to these rules:

15. Rule 9 of the Rules of 1989 deals with appointment and method of recruitment and reads as follows:

9. Appointment and method of recruitment:

(i) The method of recruitment for appointment, qualifications and the age prescribed for various posts shall be as specified against each post in Annexure-II to these rules.

16. Annexure-II to both sets of Rules tables the posts, the method of recruitment thereto and the qualifications required. Conspectus of both annexures indicates that the method of recruitment provided for the various posts was by direct recruitment, promotion and by loan of service. For certain posts, conversion of a post by transfer was also a mode of recruitment.

17. There is no dispute that recruitment by loan of service is nothing but deputation. The Division Bench in R.Suryanarayana Murthy (1 *supra*) also observed to this effect. In the present case, though the Rules of 1989 do not use the term "on deputation" but refer to it as "by loan of service", the proceedings issued in the context of the petitioner's service in the TTD use the words "on deputation" and not "by loan of service". There can therefore be no dispute that these two terms are interchangeable and there is no distinction or difference between the two. By its very nomenclature, recruitment through deputation/by loan of service posits that it is temporary in nature. The concept of deputation was succinctly explained by the Supreme Court in *State of Punjab and Others Vs. Inder Singh and Others*, thus:

18. "Deputation" has a different connotation in service law and the dictionary meaning of the word "deputation" is of no help. In simple words "deputation" means service outside the cadre or outside the parent department. Deputation is deputing or transferring an employee to a post outside his cadre, that is to say, to another department on a temporary basis. After the expiry period of deputation the employee has to come back to his parent department to occupy the same position unless in the meanwhile he has earned promotion in his parent department as per the Recruitment Rules.....

18. It is also well settled that unless the claim of a deputationist for permanent absorption in the department where he works on deputation is based upon a statutory rule, regulation or order having the force of law, he cannot assert and succeed in any such claim for absorption. The basic principle underlying deputation is that the person concerned can always and at any time be repatriated to his parent department to serve in his substantive position therein at the instance of either of the departments and there is no vested right in such a person to continue for long on deputation or get absorbed in the department to which he had gone on deputation Kunal Nanda Vs. Union of India and Another,

19. As pointed out by the Supreme Court in Ratilal B. Soni and others Vs. State of Gujarat and others, , employees on deputation can be reverted to their parent cadre at any time and they do not get any right to be absorbed in the deputation post.

20. In the present case, the petitioner, a Mechanical Foreman in the APSRTC, was brought on deputation to the TTD. Under the Rules of 1989, only the post of Assistant Mechanical Foreman existed in the Transport Department of the TTD and there was no post of Mechanical Foreman. The petitioner obviously could not have been deputed to the post of Assistant Mechanical Foreman as he had already been promoted to the higher post of Mechanical Foreman in the APSRTC. Further, the method of recruitment prescribed for this post did not provide for an employee being brought on deputation/by loan of service. The said post could only be filled up by direct recruitment or by promotion.

21. While so, the petitioner sought absorption as a Mechanical Foreman in the TTD's service, under his letter dated 21.11.1992 addressed to its Executive Officer. By Resolution No. 723 dated 11.12.1992, the TTD resolved to absorb him as a regular Mechanical Foreman by downgrading the post of Depot Manager, Transport Department, TTD, in the cadre of Assistant Executive Officer, duly protecting his pay and other service benefits. The post of Depot Manager in the Transport Department of the TTD could only be filled by two modes.

22. Surprisingly, though the post of Mechanical Foreman did not exist in its cadres and the petitioner was not eligible under the Rules to be appointed by loan of service as a Depot Manager, the TTD adopted the curious system of downgrading the said post to that of a Mechanical Foreman, a non-existent post, in the cadre of an Assistant Executive Officer. In doing so, the TTD overlooked

Rule 9(iv) of the Rules of 1989 which required that all posts carrying the scale of pay of an Assistant Executive Officer or an identical pay-scale and above should be selection posts. The petitioner therefore could not have been absorbed in a manner unknown to the Rules of 1989.

23. As pointed out in Kunal Nanda (8 supra), unless the statutory rules permit absorption of an employee on deputation, such an employee would have no right to seek the same and even if effected, the absorption would be per se illegal. This, in essence, was the import of R.Suryanarayana Murthy (1 supra). Pertinent to note, the Division Bench drew succor for its view from the observations in C.Muniyappa Naidu (2 supra). Therein, the Supreme Court was dealing with Senior Health Inspectors in the Municipal Corporation of Bangalore. Under the Regulations, one half of the cadre of Senior Health Inspectors was to be drawn by deputation of Senior Health Inspectors from the Karnataka State Civil Service. The appellants before the Supreme Court were such Senior Health Inspectors and their services were absorbed in the Municipal Corporation. However, the State Government refused to accept the same. The appellants challenged this action. Having failed in their challenge before the High Court, they approached the Supreme Court.

24. The method of recruitment as a Senior Health Inspector under the service regulations was as under:

50 per cent by promotion from the Cadre of Junior Health Inspectors of the Corporation.

50 per cent by deputation from the State Directorate of Health Services.

25. As only two modes of recruitment were recognized by the cadre regulations, viz., by promotion and by deputation, the Supreme Court was of the opinion that the post could not be filled up by absorption of a deputationist Senior Health Inspector from the Karnataka State Civil Service, Such Senior Health Inspectors could only be sent on deputation to the extent of one half of the number of posts in the cadre and there was no provision for absorbing them on permanent basis without violating the regulations. The observations of the Supreme Court in this regard are significant:

The Cadre and Recruitment Regulations thus recognized only two modes of recruitment to the post of Senior Health Inspectors, namely, promotion from the cadre of junior Health Inspectors and deputation from the State Directorate of Health Services and one half of the cadre was to be drawn from each of these two sources. No other mode of recruitment could be resorted to by the corporation under the Cadre and Recruitment Regulations. It is difficult to see how in the face of this provision which has admittedly statutory effect, the posts of Senior Health Inspectors could be filled in by absorption of deputationist Senior Health Inspectors from the Karnataka State Civil Service. Senior Health Inspectors from the State Directorate of Health Services could only be on deputation to the extent of one half of the number of posts of Senior Health

Inspectors on the corporation establishment and they could not be absorbed as permanent Senior Health Inspectors under the corporation without violating the aforesaid statutory provision. This statutory provision does not contemplate any Senior Health Inspectors on the establishment of the corporation who are drawn from the State Directorate of Health Services otherwise than on deputation and to absorb Senior Health Inspectors from the State Directorate of Health Services or permanent employees of the corporation (otherwise than on deputation), would be plainly contrary to its express mandate. It was, however, contended on behalf of the appellants that when they were absorbed as permanent Senior Health Inspectors on the establishment of the corporation, they were already in the cadre of Senior Health Inspectors under the corporation, filling 50% of the posts and their absorption as permanent Senior Health Inspectors did not constitute fresh entry into the cadre so as to require compliance with the Cadre and Recruitment Regulations. The position, according to the appellants, was similar to that of an employee who is initially officiating in a post in a cadre and is subsequently confirmed in the post. This contention, we do not think, is well-founded. It is only by way of deputation that Senior Health Inspectors from the State Directorate of Health Services can find place in the cadre of Senior Health Inspectors on the establishment of the corporation. Not only their entry but also their continuance in the cadre of Senior Health Inspectors on the corporation establishment depends on their being on deputation. There is no scope under the Cadre and Recruitment Regulations for their absorption as permanent Senior Health Inspectors under the corporation. In fact, it is impermissible to do so. The category of Senior Health Inspectors, who are regular employees of the corporation, can be drawn only by promotion from Junior Health Inspectors and that too, to the extent of only one half the number of posts. It is, therefore, obvious that without amendment of the Cadre and Recruitment Regulations permitting appointment -- and absorption is really nothing but appointment -- of Senior Health Inspectors drawn from the State Directorate of Health Services as permanent Senior Health Inspectors under the corporation, the appellants could not be absorbed as permanent Senior Health Inspectors on the corporation establishment.....

26. In *Umapati Choudhary* (6 supra), the Supreme Court was dealing with a Lecturer of Kameshwar Singh Darbhanga Sanskrit University sent on deputation to the Bihar Sanskrit Shiksha Board as a Controller of Examinations. He was then absorbed in the said post in the Board's service. His services were terminated thereafter. His challenge to the termination having failed before the High Court, he approached the Supreme Court. The Supreme Court held in his favour but it is to be noticed that no service rules existed for the post of Controller of Examinations and the State and the Board were yet to decide as to whether the said post should be continued and if so, the procedure to make a substantive appointment thereto. The absorption in the said case was therefore effected in the absence of rules as to recruitment to the post in which the deputationist was absorbed.

27. The situation presently is different. The case of the TTD is more analogous to C.Muniyappa Naidu (2 supra) rather than Umapati Choudhary (6 supra). With great respect, the Division Bench in D.Srinivasulu Reddy (5 supra) failed to notice this aspect. The observations in C.Muniyappa Naidu (2 supra) squarely apply on all fours to the obtaining factual scenario. The method of recruitment prescribed for the post of Depot Manager delineated only two modes of appointment -- (i) by promotion and (ii) by loan of service. Neither of these two modes was followed for facilitating the entry of the petitioner into the TTD's service on deputation. This being the status of the petitioner's deputation to the non-existent post of Mechanical Foreman in the TTD, his absorption thereafter by downgrading the post of Depot Manager to that of a Mechanical Foreman defies comprehension. The post of Mechanical Foreman did not exist at all in the TTD and even if the post of Depot Manager was to be downgraded, the prescribed method of recruitment to the post of Depot Manager did not allow absorption of a deputationist.

28. The Division Bench in D.Srinivasulu Reddy (5 supra), in our respectful opinion, committed an error in interpreting the scope of recruitment by loan of service. The observation of the Bench that the maximum period of deputation was 5 years under the Rules of 1978 is not borne out as there is no such prescription in the said Rules. On the other hand, Rule 4 of the Rules of 1989 makes the Fundamental Rules applicable to TTD employees and F.R. 110 provides for a maximum deputation of five years. The conclusion of the Division Bench that when appointment could be made by loan of service, inferentially such appointment could also be made by absorbing the deputationist on permanent basis is, with due respect, a non sequitur. By its very nomenclature, recruitment by "loan" of service indicates its temporal and temporary nature. No logical inference can be drawn therefrom that it would also extend to absorption of a deputationist. The view of the Division Bench that failing such construction, one of the methods of appointment would become otiose is also not borne out. Deputation, by its very nature, is for a limited period and merely because the rules do not permit such deputationist to be absorbed in the borrowing department, it would not render the same otiose or redundant.

29. The deputation in D.Srinivasulu Reddy (5 supra) was from the post of Chief Security Inspector in the APSRTC to that of Vigilance and Security Inspector in the TTD. He was thereafter absorbed in the post of Assistant Vigilance and Security Officer Grade-II. Under the Rules of 1989, the post of Vigilance and Security Inspector could only be filled up by loan of service of a Sub-Inspector cadre officer from the A.P.Police Service. Further, three methods of recruitment were provided for the post of Assistant Vigilance and Security Officer Grade-II - (i) by direct recruitment; (ii) by loan of service from the cadre of Circle Inspector of Police in the State Government and (iii) by appointment by transfer from the A.P.Police Service in the cadre of Circle Inspector/Reserve Inspector of Police. The action of the TTD in absorbing D.Srinivasulu Reddy in the said post, when he did not fit into any of these categories, was therefore in utter violation of the

Rules.

30. Viewed thus, we must respectfully disagree with the view taken by the Division Bench in D.Srinivasulu Reddy (5 supra).

31. Sri M.Surender Rao, learned counsel, relied upon the Judgment of another Division Bench of this Court in Tirumala Tirupati Devasthanams, Tirupati v. V.S.B.Koteswara Rao Writ Appeal No. 1369 of 2004 dated 16-9-2004, wherein the order of a learned single Judge striking down Resolution No. 888 dated 07/08.12.1994 was confirmed. The ratio in D.Srinivasulu Reddy (5 supra) was applied by the Division Bench. One of us (GR,J) was a member of the Bench which rendered this decision. However, perusal thereof reflects that the issues raised before us were neither raised nor considered by the said Bench.

32. Sri M.Surender Rao, learned counsel, drew our attention to the recent Judgment of the Supreme Court in Ashok Kumar Ratilal Patel Vs. Union of India (UOI) and Another, This was a case dealing with appointment on deputation through a regular selection process. Drawing a distinction between appointment on deputation and transfer on deputation, the Supreme Court observed thus:

13. Ordinarily transfers on deputations are made as against equivalent post from one cadre to another, one department to another, one organization to another, or one Government to another; in such case a deputationist has no legal right in the post. Such deputationist has no right to be absorbed in the post to which he is deputed. In such case, deputation does not result into recruitment, as no recruitment in its true import and significance takes place as the person is continued to be a member of the parent service.

14. However, the aforesaid principle cannot be made applicable in the matter of appointment (recruitment) on deputation. In such case, for appointment on deputation in the services of the State or organization or State within the meaning of Article 12 of the Constitution of India, the provisions of Article 14 and Article 16 are to be followed. No person can be discriminated nor is it open to the appointing authority to act arbitrarily or to pass any order in violation of Article 14 of the Constitution of India. A person who applies for appointment on deputation has an indefeasible right to be treated fairly and equally and once such person is selected and offered with the letter of appointment on deputation, the same cannot be cancelled except on the ground of non-suitability or unsatisfactory work.

33. We fail to understand how this decision furthers the case of the petitioner. Absorption of a deputationist in the borrowing department was not considered at all in this case.

34. On the aforesaid analysis, we are of the considered opinion that the ratio laid down in R.Suryanarayana Murthy (1 supra) would prevail. The later Judgment in D.Srinivasulu Reddy (5 supra), with due respect, does not lay down the correct law. The absorption of the petitioner in the TTD as a Mechanical

Foreman in the downgraded post of Depot Manager in its Transport Department is therefore illegal. Consequently, the action of the TTD in reverting the same through the impugned resolution is lawful and valid.

35. To conclude, the Tirumala Tirupati Devasthanams" Employees Service Rules, 1989 do not provide for absorption of employees brought to the TTD by loan of service/deputation. The absorption of the petitioner in the service of the TTD is thus illegal. Resolution No. 888 dated 07/08.12.1994 of the TTD cancelling the same and repatriating him to the APSRTC is unassailable. The view taken in R.Suryanarayana Murthy v. The Principal Secretary to Government, Government of Andhra Pradesh and others (1 supra) is proper and would prevail. D.Srinivasulu Reddy v. The Executive Officer, Tirumala Tirupati Devasthanams, Tirupati (5 supra) does not lay down the correct law and is accordingly overruled. The writ petition is accordingly dismissed. In the circumstances, we make no order as to costs.