

**THE HON'BLE SRI JUSTICE RAMESH  
RANGANATHAN**

**And**

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTI**

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**Writ Petition No.1569 of 2015**

**ORDER:** (per Hon'ble Sri Justice Ramesh Ranganathan)

The petitioner herein is the applicant in O.A.No.321 of 2015 before the A.P. Administrative Tribunal, Hyderabad. While he was working as Multipurpose Health Supervisor at Doddipatla, his services were ordered to be utilised at the Primary Health Centre, Koida in the very same District of West Godavari. The order was passed by the District Medical and Health Officer on 21.01.2015. Contending that the District Medical and Health Officer lacks jurisdiction to pass the order, the petitioner herein approached the A.P. Administrative Tribunal. By the order under challenge, the Tribunal held that the impugned order was not a transfer order and as such transfer guidelines may not be applicable; the petitioner was being shifted for smooth running of the administration at Primary Health Centres at Poduru and Doddipatla, and on several complaints being received from other members of the staff; and there were no reasons to interfere with the order.

It is wholly unnecessary for us to examine whether or not the impugned order is an order of transfer, as transfer is an incidence of service and the only grounds on which a transfer order can be interdicted is if the order is passed by an authority who lacks jurisdiction to do so or the passing of the transfer order is a *mala fide* exercise of power. The petitioner does not attribute *mala fides* to any officer. Reliance is place by him on Rule 5 of the Multipurpose Health Extension Officer, Multipurpose Health Supervisor and Multipurpose Health Assistants Service Rules notified in G.O.Ms.No.273, health, Medical and Family Welfare (H-1) Department, dated 24.04.1989. Rule 5 thereof relates to appointment and stipulates that the appointing authority shall be the Regional Director of Medical and Health Services. Learned Government Pleader for Services would submit that while the District Medical and Health Officer who passed the impugned

order is not the appointing authority, he is controlling authority and is entitled to effect transfers. No rule, which requires only the appointing authority and not the controlling authority to transfer of an employee in the cadre to which the petitioner belongs, has been brought to our notice. We see no reason to interfere with the order passed by the Tribunal.

The writ petition fails and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

**RAMESH RANGANATHAN, J**

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**M.SATYANARAYANA MURTHY, J**

19<sup>th</sup> February 2015.  
JSU

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**Date: 19.02.2015**

**JSU**