

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

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTI

Writ Petition No.12860 of 2015

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

The order under challenge in this writ petition is the order passed by the A.P. Administrative Tribunal in O.A.No.1950 of 2015 dated 16.04.2015.

The petitioner herein is the applicant in the O.A. He invoked the jurisdiction of the Tribunal questioning the Memo dated 19.03.2015 whereby he was transferred from Gandhi Medical College and Hospital, Secunderabad to the Government Medical College, Nizamabad in the same capacity in an existing vacancy. The Tribunal noted the contents of the Ethics Committee of the A.P. Medical Council wherein certain serious allegations are made against the petitioner. The Tribunal further held that the petitioner was relieved on 19.03.2015 but had applied medical leave on 16.3.2015 for a period of ten days as he was advised rest for his right knee pain. The Tribunal found no circumstance to interfere with the order of transfer.

Transfer from one post to another is an incidence of service, and no employee can claim as of right, to be continued at the present place of posting indefinitely. Save an order passed without jurisdiction, or *mala fide* exercise of power, neither this Court nor the Tribunal would be justified in interfering with the order of transfer. The petitioner's grievance before this Court, that he is physically handicapped and has only around one year service remaining before his retirement, are all matters for the Government to consider. This Court would not be justified in taking upon itself the task of deciding where a Government employee should be posted, or the period for which he should be retained at one place. The order of the Tribunal does not suffer from any infirmity necessitating interference in proceedings under Article 226 of the Constitution of India.

Leaving it open to the petitioner, if he so chooses, to

make a representation to the Government, the writ petition is dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

29th April 2015.
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THE HON’BLE SRI JUSTICE RAMESH RANGANATHAN
And
THE HON’BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Writ Petition No.12860 of 2015

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Date: 29.04.2015

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