

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO. 5730 of 2015

ORDER:

The petitioner herein who is functioning as a Controller of the Operations of the A.P.S.R.T.C has now been directed to report to duty at Ibrahimpatnam Bus Depot by the Regional Manager, A.P.S.R.T.C, Hyderabad region. Sri V. Narasimha Goud, learned counsel for the petitioner would submit that the order of transfer of the petitioner is not a simple innocuous one or based upon administrative reasons. It is punitive in nature and content, inasmuch as, a specific allegation made against the petitioner has been recorded therein. The learned Standing Counsel for the Corporation on the other hand would submit that, merely recording an incident which had happened earlier does not amount to be punitive in its nature and content and it only reflected upon the application of mind by the Competent Authority to effect transfer of the writ petitioner, so that, appropriate remedial measures can be taken for the lapse of performance of duties by the petitioner earlier.

The bone of contention between the two sides is that the petitioner has been entrusted the duty of controller of operations on 31.10.2014 at Erramanzil point in Hyderabad. However, the Superintendent (Traffic) has filed a report that the writ petitioner was found absent performing his duties between 11.00 AM to 12.00 Noon on 31.10.2014. For his authorized absence for about one hour period, while performing duties, the petitioner has been proceeded against as a measure of discipline by framing an appropriate charge-sheet on 11.11.2014. He was attached to the Kacheguda bus depot till then. The Depot Manager, Erramanzil passed an order on 12.11.2014 directing the petitioner to report before the Regional Manager of the Corporation at Hyderabad. The Regional Manager in-turn attached him to Ibrahimpatnam Bus Depot. That is how the petitioner has been shifted to Ibrahimpatnam Bus Depot. Sri V. Narasimha Goud would contend that the petitioner was already subjected to the disciplinary control by initiating action against him for the alleged absence in performance of duties between 11.00 AM to 12.00 noon on 31.10.2014. The petitioner, found suddenly in need of some food. Therefore, he had gone to a nearby hotel to take a quick bite at a sandwich and came back to duty. It is

true that during this time, the petitioner was found to be absent at the duty post performing duties. When there is a justifiable reason for his absence, it is for the authorities to consider the same. Even before any action could be finalized, the petitioner is now sought to be victimized by transferring him to far off Ibrahimpatnam Depot. Now, the impugned order, if really is intended to transfer the writ petitioner on administrative grounds or for reasons peculiar to the needs of the Corporation, it ought not have mentioned an adverse circumstance which has been noted against him. By mentioning the adverse circumstance, an impression would easily be gained by all concerned that the petitioner would not be performing his duties very diligently. That will be very punitive in nature and content. Hence, the impugned order is vitiated and it cannot be treated as a simple and pure order of transfer on administrative requirement. I have, therefore, no hesitation to set-aside the order transferring the writ petitioner and attaching him to the Ibrahimpatnam Bus Depot.

With this, the writ petition stands disposed of.

Consequently, miscellaneous applications pending shall stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

24.03.2015

sp