

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Writ Petition No.9475 of 2015

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

This writ petition is filed against the order passed by the A.P.Administrative Tribunal in O.A.No.6933 of 2014 dated 04.12.2014.

The petitioner herein is a Staff Nurse hitherto working in the Urban Community Health Centre, Jangammet. She was earlier transferred from Jangammet to Amberpet. She filed O.A.No.5319 of 2013. The Tribunal initially granted stay and, thereafter, dismissed the writ petition questioning which she filed W.P.No.28743 of 2014. A Division Bench of this Court, by order dated 24.09.2014, dismissed the said writ petition recording the allegations in the counter affidavit that the petitioner was creating problems; abusing the staff and harassing medical officers and staff of the hospital; she was using filthy language, and threatening medical officers and staff of the hospital that she knew the Health Minister, District Collector, M,L.As., Commissioner etc, and she would complain against them; and she was frequently disturbing the hospital administration. The Division Bench held that these allegations justified transfer of the petitioner to some other place in the interest of the administration; and the order of the Tribunal did not necessitate interference.

While matters stood thus, the petitioner was transferred from Urban Community Health Centre, Jangammet to Area Hospital, Kamareddy, Nizamabad District. She invoked the jurisdiction of the Tribunal, by way of O.A.No.6933 of 2014, contending that she should have been transferred to Amberpet in accordance with the earlier transfer order, and not to Kamareddy, Nizamabad District. By the order under challenge in this writ petition, the Tribunal held that the transfer was effected only to create circumstances for smooth functioning of the hospital; and such a transfer did not necessitate interference.

Sri B.Shiva Kumar, learned counsel for the petitioner would submit that, having transferred her earlier to Amberpet, the respondents were not justified in now transferring her to Kamareddy, Nizamabad District; and the order is as a measure of punishment.

As noted hereinabove, it is because of the petitioner's manner of functioning in Jangammet, that she was transferred earlier to

Amberpet. She has neither joined at Amberpet nor at Kamareddy. Transfer is an incident of service and, save *mala fides* or an order passed without jurisdiction, it does not necessitate interference in proceedings under Article 226 of the Constitution of India. The transfer, in the present case, is only to ensure smooth functioning of the Hospital at Jangammet and is not as a measure of punishment. We see no reason, therefore, to interfere with the order of the Tribunal. The writ petition is liable to be dismissed.

Sri P.Shiva Kumar, learned counsel for the petitioner, submits that the petitioner be permitted to submit her representation to the Government to transfer her to any other place nearby. We have no reason to doubt that, in case any such representation is submitted, the respondents would consider the same, in accordance with law, uninfluenced by any observations in this order. That does not, however, justify interference with the order of the Tribunal.

The writ petition is, accordingly, 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

6th April 2015.

Note: Issue C.C. in one (1) week.

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Date: 06.04.2015

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