

HON'BLE SRI JUSTICE G.CHANDRAIAH
&
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

W.P. No. 37430 of 2015

DATE: 19.11.2015

Between:

H. Govinda Rajulu

.. Petitioner

and

The State of Andhra Pradesh and two others

.. Respondents

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ORDER:- (per Hon'ble Sri Justice G. Chandraiah)

The main grievance of the writ petitioner, who is working as Sanitary Maistry at Maddikera, Kurnool District, is that even though there are no complaints against him, the

3rd respondent – District Panchayat Officer, issued an order dated 06.10.2015 transferring him from Maddikera to Alur while referring to certain alleged complaints received from the villagers against him with regard to maintenance of sanitation. His further grievance is that when he challenged the order of transfer before the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity "the Tribunal), in O.A.No. 6154 of 2015, the Tribunal, without appreciating the fact that the transfer order does not reflect any specific allegation/complaint said to have been made by any of the villagers, and without issuing any notice based on any complaint, dismissed the application. Hence, the present writ petition is filed seeking to set aside the order dated 30.10.2015 passed by the Tribunal, and consequently, direct the 3rd respondent to continue the petitioner to work as Sanitary Maistry at Maddikera, Adoni Division, Kurnool District.

The learned counsel for the petitioner has

vehemently contended that the 3rd respondent has not followed the general guidelines dated 04.10.1991 issued by the Government Administration Department and the Tribunal as well did not appreciate this aspect in its order. It is further contended that various High Courts and the Apex Court held under what circumstances grounds can be treated as administrative grounds and in the instant case no such administrative reasons nor any complaints as alleged by the 3rd respondent are made against the petitioner, as such, the order of the Tribunal is liable to be set aside.

The learned Government Pleader for Panchayat Raj and Rural Development appearing for the respondents, has submitted that the Tribunal, while placing reliance on the judgment reported in **Ms.Shilpi Bose and Others v. State of Bihar and Others**^[1], has categorically held that transfer order is passed only on administrative grounds, as such, the order of the Tribunal cannot be interfered with.

Heard the learned counsel for both the parties and perused the material placed on record.

The law is well settled that transfer is not only an incident but a condition of service, necessary in public interest and for efficiency in the public administration and an order transferring an employee from one place to another cannot be interfered with unless the same is said

to be fraught with *mala fides* or contrary to the transfer policy or is said to have been made in violation of mandatory statutory rules. Even though the petitioner has pleaded that in spite of the fact that no complaints whatsoever are made against him the 3rd respondent erroneously issued orders effecting transfer of the petitioner from Maddikera to Alur, it is not his specific case that the transfer order is fraught with any *mala fides* or it is issued in violation of any mandatory statutory rule or for any extraneous considerations. However, the specific case of the respondents is that transfer order reflects that it is issued only on administrative grounds.

Inasmuch as the petitioner is said to have been displaced on administrative grounds / exigencies, we are of the considered opinion that no fault can be found with the impugned order and more so when the petitioner failed to prove that the transfer has been made contrary to the rules or that it has been made with any *mala fide* intention.

There is no merit in the writ petition, and the same is accordingly dismissed. No order as to costs.

As a sequel to the dismissal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

19.11.2015

U.DURGA PRASAD
RAO, J

bcj

[\[1\]](#) AIR 1991 SCC 532