

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**WEDNESDAY, THE SECOND DAY OF DECEMBER TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.38640 of 2015

Between:

K. Ramesh, s/o. Late K. Kishan Rao,
Aged about 56 years, Occ: Vocational Instructor,
National Institute for the Mentally Handicapped (NIMH),
R/o.18-6-320, Gowlipura, Hyderabad.

.. Petitioner

AND

The Joint Secretary,
Department of Empowerment of Persons with Disabilities,
Ministry of Social Justice & Empowerment,
Room No.517, B-II Block, 5th Floor,
Paryavaran Bhawan, CGO Complex, Lodhi Road,
New Delhi – 110 003 (India) & 3 others

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Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38640 of 2015

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ORDER:

The petitioner was appointed as a Machinist in the National Institute for the Mentally Handicapped (NIMH) at MANovikasnagar, Secunderabad, in the year 1991. The petitioner was having a certificate of pass in ITI (Mechanical). The petitioner is discharging duties as Vocational Instructor in the respondent institute. In this writ petition, the petitioner assails order, dated 13.11.2015, by which he is now transferred to Resource Centre, Gangtok, Sikkim.

2. Learned counsel for the petitioner contends that such transfer is illegal and at the middle of the academic session, the petitioner is transferred without any justification. Learned counsel further submits that the petitioner is only a technical person having Machinist Trade pass and, therefore, he cannot take the responsibility of Resource Centre Incharge, whereas the post now assigned to the petitioner is Incharge of Resource Centre in Gangtok. Learned counsel submits that the petitioner is also not qualified to perform as a Resource Centre Incharge, since he is not registered with the Rehabilitation Council of India. In addition to this, the petitioner is also suffering from Hepatitis (HCV) and, therefore, his health condition is not conducive to the climate in Gangtok.

3. Learned Assistant Solicitor General, on instructions, submits that the petitioner is only required to liaison with the concerned Resource Centre persons and the transfer is only a temporary posting for a period of 180 days. Such transfers are affected on rotation basis from all over India and similarly, the petitioner is being posted in the Resource Centre at Gangtok. The petitioner will be brought back to his parent unit after successful completion of 180 days.

4. The perusal of the impugned order, dated 13.11.2015, also says that such transfer is only temporary and does not change the conditions of service of the petitioner. It is settled principle of law that an order of transfer is an incidence of service and the Court cannot interfere in administrative matters, more so, concerning transfers. A person can challenge an order of transfer, if it seeks to alter conditions of service or made in *mala fide* exercise of power. Having regard to the instructions furnished to the learned Assistant Solicitor General, none of these conditions are attracted. The transfer of the petitioner is only for a temporary period and does not come in the way of the petitioner's discharge of functions assigned to him in the Resource Centre at Gangtok. Therefore, I am not inclined to interfere with the transfer order. The writ petition merits no consideration.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 2nd December, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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