

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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AND

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THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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WRIT PETITION No. 42785 of 2015

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

In this writ petition, orders dated 17.11.2015 in O.A.No.3747 of 2013 on the file of the Andhra Pradesh Administrative Tribunal, are challenged. The petitioner herein is the applicant before the Tribunal.

2. The case advanced by the applicant before the Tribunal is:

The applicant was appointed as Village Revenue Officer on 10.12.2010 at Parimpudi Cluster-I of Koyyalagudem mandal, West Godavari District. While so, the 1st respondent issued proceedings dated 14.05.2013 transferring her to Pangidigudem Cluster of Jangareddygudem mandal on the basis of G.O.Ms.No.100, dated 22.04.2013, making transfers on the basis of counselling. Contending that she had not made any application seeking her transfer, and that the action of respondent authorities in transferring her unilaterally is illegal, she approached the Tribunal.

At the time of admission, the Tribunal granted status quo orders on 22.05.2013.

The 1st respondent filed counter affidavit stating that the applicant was appointed on compassionate grounds since her husband died while in service as a Village Revenue Officer (VRO) of Jangareddygudem Cluster-2. It is stated in the counter that the applicant applied for permission from 11.05.2013 to 16.05.2013 for appearing departmental exams and thereafter she applied for leave from 17.05.2013 to 25.05.2013 stating that her uncle is seriously ill and

that he is required to be admitted in King George Hospital, Vizag. It is also stated that the Tahsildar, Koyyalagudem, reported that the applicant failed to discharge her functions as VRO properly due to which day-to-day administration was hampered, and that the applicant, without inspecting the land as required under the A.P. Water, Land and Trees Act, recommended for issue of electricity connection to the bore well, due to which, the ryots of the adjoining lands have made complaints which led to filing of writ petitions before this Court. The Tahsildar also reported that the applicant failed to issue application forms to the public for issue of Aadhar Cards and, therefore, on the recommendation of the Tahsildar, the Revenue Divisional Officer issued proceedings transferring the applicant to Pangidigudem Cluster-II. It is further stated that when the applicant was on leave, one D.Venkata Raju was posted as VRO in Parimpudi Cluster-I and that his posting was much prior to passing of status quo orders by the Tribunal and hence the interim orders of the Tribunal could not be implemented.

The Tribunal, after going through the merits of the case, dismissed the O.A., on the ground that the applicant was transferred due to specific allegation of lapses on her part and hence the transfer orders cannot be treated as illegal or arbitrary.

3. Heard learned counsel for the applicant (petitioner) and the learned Government Pleader for the respondents.

4. Learned counsel for the petitioner submits that at the time of transfer of the petitioner to Pangidigudem cluster, she had put in only four years of service and unless she completes five years of service, she cannot be transferred; and as she has now completed seven years of service, she may be permitted to submit a representation to the respondent authorities and the respondent authorities may be directed to consider the same and pass appropriate orders.

5. Learned Government Pleader submits that it is always open to the petitioner to make a representation and to the respondent authorities to consider the same and pass appropriate orders in accordance with law.

6. Taking into consideration the submissions made by the learned counsel for both the parties, we grant liberty to the petitioner to make a representation to the respondent authorities within three weeks from the date of receipt of a copy of this order, upon which the respondent authorities are directed to consider the same and pass orders, in accordance with law, within two months from the date of receipt of representation.

7. The writ petition stands disposed of, accordingly. No costs. Miscellaneous petitions, if any pending, shall stand closed.

G. CHANDRAIAH, J

A. SHANKAR NARAYANA, J

31st December, 2015

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