

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE MRS. JUSTICE ANIS
WRIT PETITION No. 28699 OF 2015

ORDER: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

The petitioner herein is a Senior Ticket Examiner employed in its Guntakal Division of Indian Railways. He has been subjected to a transfer by the Chief Personnel Officer of South Central Railway, Secunderabad posting him to Guntur Division of the Railways. Calling in question the correctness of these orders, he approached the Central Administrative Tribunal by instituting O.A.No. 020/1126/2015, which was disposed of at the admission stage with an observation that the respondents may not disturb the applicant as long as he is in the sick list. However, on the main aspect of the matter, the Tribunal has recorded that there is no ground made out for its interference.

Heard Ms. S. Anuradha, learned counsel for the petitioner and Smt. Lakshmi Chintalapudi, learned Standing Counsel, who has accepted notice on behalf of Respondents 1 to 5.

It is urged before us by the learned counsel for the petitioner that the petitioner is having serious health issues which prevent him to move out of Guntakal. His wife is a practising Advocate in the local Courts at Guntakal and that his children are pursuing the various academic courses at Guntakal. It is therefore, urged that the petitioner should not have been transferred from out of Guntakal Division and that too to far-off Guntur Division. This apart, the petitioner is also an Office Bearer for the South Central Railway Employees' Co-operative Credit Society Limited at Guntakal and therefore, the transfer of the petitioner would impair the functioning of the said Employees' Cooperative Credit Society.

We regret our inability to concede any merit in any of these contentions. Servants of Indian Railways are bound by the condition of transferability from place to place. Transfer of Railway servants is purely an incidence of service. Such transfers do not affect their status, pay, emoluments and other remaining conditions of service. They are all protected irrespective of the place of posting and they

remain to be uniform. So long as an administrative order of transfer is issued, as part of human resources deployment by the competent authority and so long as such an administrative order of transfer is not tainted by malice, either in fact or in law, and so long as it has not been demonstrated that any rule having statutory enforceability has been breached, it is not for the Courts to decide as to which employee should be placed at what place by the employer. That is the pure prerogative of the employer. Insofar as the supernumerary problems, which the learned counsel narrated, are concerned, that was a matter only for consideration by the competent authority. In the instant case, the representation submitted by the petitioner was also rejected by the competent authority on 16.06.2015. Therefore, we do not see any justifiable reason to entertain this Writ Petition and it is accordingly, dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall stand disposed of.

NOOTY RAMAMOHANA RAO, J

ANIS, J

04th September 2015

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