

THE HON'BLE SRI JUSTICE K.C. BHANU
AND
THE HON'BLE MRS JUSTICE ANIS

WRIT PETITION No.18942 OF 2015

ORDER: (per Hon'ble Sri Justice K.C.Bhanu)

This Writ Petition is filed challenging the interim order, dated 11.06.2015, in O.A.No.2661 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, "the Tribunal").

2. Petitioner herein/applicant filed the aforementioned Original Application before the Tribunal to call for the records relating to and connected with Proceedings No.7260/CPR&RD/A1/2014, dated 30.5.2015, issued by respondent No.1 and to quash or set aside the same, as being illegal and arbitrary, and consequently, to declare that she is entitled to be continued as Mandal Parishad Development Officer, M.P.P.Duvvuru of Y.S.R.Kadapa District with all consequential benefits.

3. The Tribunal, upon considering the material on record, did not grant interim order of suspension of operation of the impugned order in the Original Application, but admitted the Original Application and ordered to issue notice to the respondents therein. Challenging the same, the applicant filed the present writ petition.

4. Learned counsel for the petitioner/applicant contended that on the report submitted by the District Collector, with a *mala fide* intention, the transfer order has been effected; that the petitioner cannot be transferred from one district to another district in pursuance of the administrative instructions issued in G.O.Rt.No.519, Panchayat Raj and Rural Development (E.V) Department, dated 26.5.2015, and hence, he prays to set aside the impugned order.

5. Respondent No.1 issued proceedings No.7260/CPR&RD/A1/2014, dated 30.5.2015, transferring the

petitioner from Mandal Praja Parishad, Duvvur, Y.S.R.Kadapa District to Kurnool District on administrative grounds. There cannot be any dispute that transfer is an incidence of service. The petitioner is working in the said place for the last six years. As seen from the said proceedings, she is transferred on administrative grounds. If *mala fides* are attributed against the transferring authority or the district administration, those have to be proved and established. Unless an opportunity is given to the person against whom the *mala fides* are attributed, the same cannot be taken as a ground to interdict the transfer. When *mala fides* are attributed against the District Collector, he has to be impleaded as a party by name, but that has not been done. Therefore, the Tribunal did not interfere with the order of transfer and rightly ordered notice to the respondents and hence, that order needs no interference of this Court. The Writ Petition is devoid of merit and is liable to be dismissed.

6. The Writ Petition is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE K.C. BHANU

JUSTICE ANIS

Date: 26.6.2015
AMD

THE HON'BLE SRI JUSTICE K.C. BHANU
AND
THE HON'BLE MRS JUSTICE ANIS

-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

WRIT PETITION No.18942 OF 2015

Date : 26.6.2015

AMD