

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE SMT JUSTICE ANIS**

W.P.No.29084 of 2015

ORDER:

(per Hon'ble Sri Justice Nooty Ramamohana Rao)

The petitioner herein, who was employed as a Panchayat Secretary in the service of the Government of Andhra Pradesh, has instituted O.A.No.5087 of 2015 before the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal') calling in question the correctness of the order of transfer passed against him on 15-08-2015 by the District Collector, Y.S.R.Kadapa.

The grievance of the petitioner is that he has another ten months more service left for his eventual retirement, on attaining the age of superannuation. In these set of circumstances, he places reliance upon a policy decision, which does not have any statutory backup, announcing that employees, who have less than two years of service for retirement, shall not be normally subjected to an order of transfer from one place to another. Since the impugned order has been passed by the District Collector in contravention of the policy of the State Government, the Order passed by him, according to the petitioner, is on wrong footing. The Tribunal has dismissed the O.A. finding that unless an Order of transfer is vitiated by *mala fides* or is contrary to any statutorily- enforceable Rule, the same cannot be interdicted by Courts.

In this view of the matter, we find ourselves in complete agreement with the reasoning assigned by the Tribunal in dismissing the O.A. Since, transferability is a pure incidence of service of public servants, no grievance can be made out of such transfers. As to in which office the service of a particular public servant can be utilized very effectively and efficiently, is a matter for concern of the competent

authority. They are the best-equipped to make a realistic assessment about the nature of work, the quantum of work, the capacity of the officer concerned to discharge functions efficiently, etc. and then based upon the relevant assessment thereof, necessary orders of transfer would be passed. Some times, an order of transfer is needed for the purpose of preventing the employee from gaining undesirable interests in the office also. So imponderable are the factors that normally weigh with the mind of an officer, who seeks to transfer his employees.

We, therefore, do not find any justifiable reason for us to interfere with the order passed by the Tribunal and then interdict the order of transfer passed by the District Collector against the petitioner herein transferring him. However, liberty is always preserved to the petitioner to take up the matter with any superior authority than the District Collector for him to examine the difficulties, if any, encountered by the petitioner in the matter of moving out based upon such transfer Orders and it is for such authority to pass appropriate orders on any such representation.

With this, the writ petition stands dismissed at the admission stage, but however, without costs.

Consequently, the miscellaneous petitions, if any, stand disposed of.

**NOOTY RAMAMOHANA
RAO, J.**

ANIS, J.

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08.09.2015.