

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.459 of 2015

ORDER:

The petitioner herein seeks to challenge the order passed on 14-01-2015 by the Director (Administration & Human Resources), Khadi and Village Industries, Mumbai, transferring and posting him as Director at Bhubaneswar.

Dr. P.B. Vijay Kumar, learned counsel for the petitioner would urge that the petitioner is diagnosed to be suffering from Carcinoma of throat. He is now undergoing treatment at Hyderabad, where advanced medical facilities for treating cancer patients are available. He would further urge that the petitioner has hardly two more years of service left for his retirement and he has sought for transfer to Hyderabad and considering the facts and circumstances, he has been transferred and posted at Hyderabad only during the month of September, 2014 and he has now been shifted out of Hyderabad. Therefore, the order of transfer is liable to be interfered with by this Court. He would further contend that the administrative instructions framed by the Khadi & Village Industries Commission would squarely disclose that the cases of the nature of the petitioner deserve utmost compassion and sympathy and they shall not be normally subjected to frequent transfers and the petitioner having complied with all the transfer orders in the past, he is only asking for retention at Hyderabad till such time he is due for his eventual retirement from service.

I am afraid that an order of transfer is not liable to be interfered with lightly by the High Court, particularly in the absence of any allegation of *mala fides*. Further, an order of transfer is a pure and simple administrative exercise indulged in by the employer. It is for the employee, who has agreed to the conditions of service, which included transferability, to seek appropriate relief from either the agency, which transferred him, or the next superior agency. There is no way that the High Court should be approached for interdicting an administrative order

of transfer. Therefore, it is open to the petitioner to approach either the Director (Administration & Human Resources), Khadi and Village Industries, Mumbai or the next superior agency making out a case for intervention and his retention at Hyderabad. I am confident that as and when any such representation is made, the same would be attended to by the concerned.

With this, the Writ Petition stands disposed of at the admission stage, but however, without costs.

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

**NOOTY RAMAMOHANA RAO,
J.**

mrk
20.01.2015.