

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLR SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.8373 OF 2015

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

This Writ Petition is preferred against the order passed by the Andhra Pradesh Administrative Tribunal in O.A.No.1587 of 2015 dated 19.03.2015.

The petitioner herein is the applicant in the O.A. He invoked the jurisdiction of the Tribunal questioning the action of the respondents in transferring him from Salkapuram Sub-Centre of Kalluru Primary Health Centre, Kurnool District to the Sub-Centre of Virupapuram Primary Health Centre, Halaharvi of Kurnool District, by proceedings dated 13.03.2015.

By the order, under challenge in this Writ Petition, the Tribunal held that Halaharvi and Kalluru were in one unit, i.e., Kurnool District Unit; it was not even the case of the petitioner that he was transferred from out of his District unit or to any other place in another zone; the Government Memo No.8529/C1/2010-1, dated 14.06.2010 relates to prohibition of transfer, of contractual Multi Purpose Health Assistants, to another unit or another zone, on request basis; it is not open to the petitioner to contend that contractual employees cannot be transferred; this is a need based transfer; condition No.12 of the appointment order dated 30.05.2003 requires the petitioner not to insist on his continuation at the place of posting, and he could be shifted to any place in the District where his services are necessary; and, therefore, there are no reasons to interfere with the transfer order. Aggrieved thereby, the present Writ Petition is filed.

Sri M.R.Tagore, learned counsel for the petitioner, would submit that, while the earlier order of appointment dated 30.05.2003 stipulated that he could be shifted to any place, the petitioner was thereafter appointed by proceedings dated 16.03.2012 pursuant to the order of the Supreme Court. A copy of the order of the Supreme Court has not been filed along with the Writ Petition.

Be that as it may, it is not as if the petitioner, a Multi Purpose Health Assistant,

has been singled out for being transferred to another unit within the same district. Five other employees were also transferred. Transfer is an incidence of service and, save malafide exercise of power or an order passed without jurisdiction, neither this Court under Article 226 of the Constitution of India, nor the Tribunal exercising jurisdiction under the Administrative Tribunals Act, would, ordinarily, interfere with an order of transfer. We see no reason to interfere with the order of the Tribunal.

Sri M.R.Tagore, learned counsel for the petitioner, submits that the petitioner has two small school going children, and his transfer, before closure of schools for summer vacation, would cause him needless inconvenience. Any request, either for cancelling the order of transfer or for its deferment, can only be addressed to the Government. We have no reason to doubt that, on any such request being made, the official respondents would consider the same in accordance with law. We, however, see no reason to interfere with the order of the Tribunal.

The Writ Petition fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, J)

(M.SATYANARAYANA MURTHY, J)

27th March 2015

RRB