

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No. 29536 OF 2015

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

This Writ Petition is instituted by an Office Superintendent working in the Office of an Executive Engineer of the Panchayat Raj Engineering Services of the Government of Andhra Pradesh at Nandyal. He had been transferred, on administrative grounds, to a nearby place known as Bandi Atmakur in the same Kurnool District. That order of transfer was the subject matter of challenge before the Andhra Pradesh Administrative Tribunal by instituting O.A.No. 4881 of 2015. The said O.A. was dismissed by the Tribunal, by its order dated 21.08.2015. It is against this order, challenging its correctness and validity, the present Writ Petition is filed.

The Tribunal, in our opinion, for once, very rightly, placed reliance upon the judgment rendered by the Supreme Court in ***Shilpi Bose v. State of Bihar*** (AIR 1991 Supreme Court 532), wherein the Supreme Court has categorically held that it is none of the job of the Courts to interfere with an order of transfer of a government servant, unless it is passed contrary to any statutorily-enforceable rule or for malice, either in law or in fact, or by an authority, who does not have the necessary power and competence to affect such transfer. It is the exigencies and the administrative necessities of the department which will have primacy over the private interests of the individual, so long as transferability from place to place being a pure incidence of government service. We therefore, do not find any error in exercise of jurisdiction carried out by the Tribunal and hence, we decline to interfere with the said order and accordingly, dismiss this Writ Petition at the admission stage. No costs.

However, the learned counsel for the petitioner would submit that liberty may be granted to the petitioner to pursue his representation said to have been submitted to the Head of the Department. Said liberty is preserved.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

ANIS, J

11th September 2015

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