

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No. 27174 OF 2015

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

The petitioner, who is working as a Superintendent in the Department of Employment & Training, approached the Andhra Pradesh Administrative Tribunal by instituting O.A. No. 6708 of 2014 challenging the orders passed by the Commissioner of Employment & Training on 22.11.2014, by which proceeding the petitioner, while working at Kurnool, has been transferred and posted as an Office Superintendent at the Government Industrial Training Institute, Srisailam. That O.A. was dismissed by the Tribunal, which itself is a rarity. Against that order, the present Writ Petition is filed.

Heard Sri Vedula Srinivas, learned counsel for the petitioner, for a considerable length of time.

The grievance of the petitioner is that he was elected as an office bearer of a recognized association of employees of the department and the government, with a view to cater to the welfare of the government employees, has been encouraging formation of associations, so that the grievance of the employees of the government can be effectively represented for securing redressal thereof to the competent authority and in that process, the hardships or the heart-burns faced by them would get redressed in quick time so as to enable the government servants to concentrate more on the work and pay undivided attention towards the call of the duty. With a view to help achieve this objective, instructions were passed on to the competent authorities not to affect transfer of office bearers, who have been so elected, for a period of nine, years even if they are working at one particular place. Normally, the government would be passing on instructions for affecting transfers of its servants upon completion of a

fixed tenure; let us say three years. The objective behind such an instruction is to ensure that the government servants do not develop vested interests. This apart, places where the services have got to be rendered, by their very nature, can be described as comfortable places, hard places and difficult terrain. Therefore, by routinely transferring the employees from place to place, the specific requirements of the work-force can also be looked into to the extent possible. It is not difficult for us to visualize the situation where there would be peculiar necessities for certain government servants to be posted at such places, depending upon the availability of medical facilities and/or educational facilities at that particular place. It is also not very difficult for us to assume that the government servants would be having aged dependants on them and/or any other family member of theirs also may be requiring special medical attention. Consequently, they would be desiring to be posted at places such as Kurnool, which is known in those parts of the State for quality medical care that is provided there because of the presence of the Government General Hospital attached to the Government Medical College. Similarly, Kurnool City offers good educational facilities. Therefore, the routine transfers, to the extent feasible and possible, would help the government redress the grievance of as many government servants as is possible. Since the instructions passed on by the government not to affect transfer of the office bearers of recognized associations of employees do not have any statutory flavour, consequently, they are not enforceable in a Court of law. They are essentially intended to guide the competent authority to regulate the discretion vested with him, while affecting transfers of employees. Therefore, it is more an appropriate case where the petitioner, being himself an office bearer of a recognized association of the employees, should fall back upon the mode of securing redressal to his grievance by approaching the authority, who affected the transfer, so that he can invite his specific attention to the guidelines furnished by the State

Government.

Therefore, preserving the said liberty to the petitioner to approach the 2nd respondent, who is the Head of the Department, this Writ Petition is dismissed, but however, without costs.

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

NOOTY RAMAMOHANA RAO, J

ANIS, J

28th August 2015

Issue CC in three days.
ksld