

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

W.P.No. 9673 OF 2015

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ORDER: *(Per Hon'ble Sri Justice Ramesh Ranganathan)*

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The order under challenge in this Writ Petition is the order passed by the Andhra Pradesh Administrative Tribunal at Hyderabad ("the Tribunal" for short) in O.A.No. 526 of 2015 dated 02-02-2015. The petitioner herein is the applicant in the O.A. She questioned the order passed by the District Coordinator of Hospital Services, dated 23-01-2015, transferring her from Pulivendula to Rajampet on the ground of pending disciplinary enquiry. The petitioner invoked the jurisdiction of the Tribunal contending that the order of transfer was as a measure of punishment. By the order under challenge in this Writ Petition, the Tribunal took note of the fact that 446 bed sheets of the hospital were misappropriated by making a fake entry in the stock register in the year 2008; when this misappropriation was discovered in the year 2014, the stock of 446 bed sheets was replaced by new bed sheets without the mark of "APMHIDC" thereon; the 3rd respondent had shifted the petitioner to Rajampet, in the very same district, to prevent her from further tampering with the records or stocks in support of her proposed defence in the proposed disciplinary enquiry; and it could not be said that the order of transfer was in the nature of punishment. Holding that they did not find any valid or legal reason to interfere with the order of transfer, the Tribunal dismissed the O.A.

Sri S. Dushyanth Reddy, learned counsel for the petitioner, would reiterate the very same submissions urged before the Tribunal. Learned counsel would submit that, as the disciplinary enquiry has also been completed, there is no justification in transferring the petitioner as there is no scope or necessity for her to now tamper with the records or the witnesses; transfer has been effected during the middle of the academic year; and she, being a lady, would suffer irreparable loss and hardship thereby.

Transfer is an incidence of service. Save *mala fide* exercise of power, or an order passed without jurisdiction, Courts or Tribunals would not interfere with orders of transfer. The allegations leveled against the petitioner, in the disciplinary enquiry, are grave and serious in nature. With a view to conduct a fair and impartial enquiry, the respondents appear to have transferred the petitioner from Pulivendula to Rajampet within the very same district. The fact that the enquiry has since been completed, would not preclude the respondents from transferring an employee from one place to another within the same district. We see no reason, therefore, to interfere with the order of the Tribunal which in turn refused to interfere with the order of transfer. Suffice it to make clear that dismissal of this Writ Petition, or the order passed by the Tribunal dismissing the O.A., shall not have any bearing on the disciplinary proceedings initiated against the petitioner.

The Writ Petition fails and is, accordingly, dismissed. Pending miscellaneous petitions, if any, in this Writ Petition shall stand dismissed in consequence. No order as to costs.

RAMESH RANGANATHAN, J.

M.SATYANARAYANA MURTHY, J.

Date: 07th April, 2015.

JSK