

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39743 of 2015

Dated : 08.12.2015

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Between:

P.Prasanna Anjaneyulu, S/o.P.Sunkanna,
Aged about 37 yrs, working as AAE,
Operation, Nandavaram Village & Mandal,
Nandavaram, Kurnool District.

.. Petitioner

And

The Southern Power Distribution Company of
AP Limited rep., by its Chairman & Managing Director,
Corporate Office, Tirupathi, Chittoor District & 2 others.

.. Respondents

This Court made the following :

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ORDER :

The petitioner is an Additional Assistant Engineer. He was earlier working as Additional Assistant Engineer (Operation), Andhra Pradesh Southern Power Distribution Company Limited, Yemmiganur Rural. The petitioner was transferred from the place of posting where he was working to Nandavaram. The order of transfer states that he is transferred for smooth conduct of the investigation, on a complaint lodged by the complainant against G. Chandra Shekar, who was Assistant Divisional Engineer (Operation), Yemmiganur Town. It appears from reading of the letter written by the Deputy Superintendent of Police, Anti-Corruption Bureau, Kurnool, dated 09.06.2015 addressed to the Superintending Engineer (Operations), Kurnool Circle, Kurnool, the complainant complains to the ACB that two officers of the respondent company are illegally interfering with the process of sanctioning of pending bills of the complainant by boring grudge against him for giving complaint to the ACB authorities against G.Chandra Sekhar. The ACB authorities therefore, suggested to shift the petitioner and another officer to some other distant place for smooth conducting of investigation.

2. Having regard to the information furnished by the ACB authorities, the impugned order of transfer is passed. It is also appropriate to notice that the order of transfer was made on 24.07.2015 and as stated by learned counsel for the petitioner, the petitioner was relieved on 07.08.2015. The petitioner earlier instituted W.P.No.24459 of 2015 challenging the transfer. However, he withdrew the said writ petition seeking liberty of the Court to file fresh writ petition. It is not stated why there was necessity to file writ petition and the justification for withdrawal and then filing a fresh writ petition. The only reason given by the petitioner is that he was given assurance that he would be retained in the same place, if the earlier writ petition is withdrawn and since that assurance is not fructified, he is compelled to come back to this Court and file this writ petition.

3. As stated by learned Standing counsel, petitioner is yet to join in the place of posting with fond hope to get orders from this Court to stay the transfer order.

4. It is settled principle of law, that in matters of transfer this Court in exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India, do not interfere with the decision of the Administrative authority to transfer an employee. Transfer is an incidence in the service and wherever an

employee is transferred, he is required to go and join and perform his duties. However, if there are any personal difficulties to the employee moving out of place, it is always open for him to make appropriate representation for retention and it is for the competent authority to consider the said request. This Court can interfere in matters of transfer only, if such transfer is patently illegal and is vitiated by mala fide action of the competent authority and is contrary to the Rules. None of these parameters are satisfied in the instant case. When the competent authority has reacted to the genuine request of the ACB authorities, it cannot be said that the transfer is mala fide. The ACB felt that since the person against whom allegation of corruption is made, who was working in Yemmiganur, the place where the petitioner was working and in order to investigate properly into the said allegations and in view of the apprehension expressed by the complainant, it was felt desirable to transfer the officers who are trying to interfere with the investigation and for smooth conducting of investigation. Thus, the petitioner was validly transferred and no exception can be made to the order of transfer against the petitioner and I do not see any justification to interfere with the impugned order and it is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

08th December, 2015
Rds

P.NAVEEN RAO,J