

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 613 OF 2015

ORDER:

The petitioner appears to have submitted a representation pointing out as to how the order of transfer passed by the 3rd respondent Project Director on 20.12.2014 works contrary to his interest and as to how he will have to face lots of hardship if the said order is given effect to.

Sri Sri Rama Chandra Murthy, learned Standing Counsel, who has accepted notice on behalf of Respondents 2 to 4, on the previous occasion, has taken time to obtain instructions in the matter and today, he would submit that the representation of the petitioner has not been dealt with and disposed of so far by the respondents.

Normally, an administrative order of transfer is not liable to be interdicted by this Court in the absence of any malicious intent on the part of the competent authority. An order of transfer may not visit an employee with any severe and grave consequences. His conditions of service remain the same even at the new station, but however, sometimes, the order of transfer will visit the employee with far more hardships of severe nature than, perhaps, an order of minor punishment would have visited him. Small time employees can hardly afford to run two separate establishments at two different locations incurring huge expenditure at both ends. Therefore, every model employer would spare appropriate consideration for redressing the grievance of the employees before finalizing any policy measure of transferring employees from one place to the other. Such a policy measure, perhaps, would be taken with a view to ensure that the employees, if stayed put at one place, are prone to develop local interests, therefore, their efficiency and efficacy would get scaled down in the process. It is precisely to avoid these grave consequences, transferability of employment is undertaken. However, the peculiar hardships which the petitioner will be facing, if the order of transfer is

given effect to, may be taken into consideration and appropriate relief, if, otherwise, is allowable, may be considered.

Hence, the respondents are directed to consider the representation of the petitioner strictly in accordance with law and pass appropriate orders thereon as early as possible.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

27th January 2015

Issue CC in three days.
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