

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

WRIT APPEAL No. 1200 of 2016

JUDGMENT: (*Per VRS,J*)

This appeal arises out of the dismissal of a writ petition filed by the appellant challenging an order of transfer.

2. Heard Mr. Mohd. Ghouseuddin, learned counsel for the appellant.

3. The appellant is employed as a Driver in the State Road Transport Corporation. It appears that he was placed under suspension, by an order, dated 06.05.2016, and a charge memo was also issued. The appellant challenged the order of suspension successfully before this Court, and this Court, by an order, dated 06.06.2016, passed in W.P.No.17086 of 2016, directed revocation of the suspension and further directed the Corporation to proceed with the enquiry. Pursuant to the order of this Court, the suspension was revoked on 01.07.2016, and by a further order, dated 21.07.2016, the appellant was transferred from Manthany Depot to Jagitial Depot.

4. Challenging the said order of transfer, on the grounds of bias, *mala fides*, etc., the appellant filed a writ petition in W.P.No.25931 of

2016, but the same was dismissed by the learned single Judge, by an order, dated 24.08.2016. Aggrieved by the said order, the appellant is before us.

5. An order of transfer can be interfered with only under three contingencies, namely, (a) *mala fide* exercise of power, (b) the nature of transfer being punitive, and (c) it is in violation of Statutory Rules. The appellant pitched his claim, on the ground that the transfer was *mala fide*. But, the learned single Judge found that it could not be stated to be *mala fide*. As rightly pointed out by the learned single Judge, the appellant was placed under suspension pending enquiry. The suspension was set aside by this Court. Pursuant to the said order, he was reinstated and posted to a different Depot.

6. Even as per the averments contained in the affidavit of the appellant in support of his writ petition, it appears that there is a rivalry between the leaders of two different unions. Therefore, the transfer of the appellant from one Depot to another, cannot be said to be *mala fide*.

7. According to the learned counsel for the appellant, the order of transfer cannot come within the category of administrative transfer. But, we do not think so. When there is a rivalry between two unions, the administration has to run. Therefore, we find nothing wrong in the

order of the learned single Judge dismissing the writ petition.

Therefore, the Writ Appeal fails and it is dismissed.

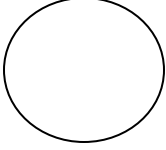
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

U. DURGA PRASAD RAO, J.

7th November, 2016
cbs





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