

—

—

—

—

—

—

1

-
-
-
-
-
-
-
-
-
ORDER:- (per Hon'ble Sri Justice G. Chandraiah)

The petitioner asserts that initially he was appointed as Police Constable in Civil Police, and subsequently on 15.05.2008, he was permanently absorbed in Railway Police and since then he has been working as such at Railway Police Station, Secunderabad. While so, it is stated that the

3rd respondent issued order dated 16.12.2015 transferring him to R.O.P., Sirpur Kagaznagar, on administrative grounds and directed him to report before SIRP, R.P.S., Mancheri immediately. Challenging the transfer order, the petitioner filed O.A.No. 7125 of 2015 and also as an interim measure, sought suspension of the order of the 3rd respondent. Now, the petitioner's grievance is that the Tribunal, by order dated 23.12.2015, while admitting the O.A., rejected the interim relief. Hence, the present writ petition is filed seeking to quash the order of the Tribunal and a consequential direction to the respondents to continue the petitioner at Railway Police Station, Secunderabad.

The learned counsel for the petitioner has submitted

that the Tribunal, without assigning any specific reasons, has erroneously passed the impugned order upholding the transfer of the petitioner to R.O.P., Sirpur Kagaznagar.

He has further submitted that according to the policy of the Government, transfers will be made by conducting counselling, but the

3rd respondent, without conducting counselling, issued transfer order, as such, he prays to set aside the impugned order.

The learned Government Pleader for Home (Telangana) appearing for the respondents, has submitted that the plea of the petitioner for his retention at R.P.S. Secunderabad cannot be considered as the transfer is made purely on administrative grounds.

We have heard the learned counsel for both the parties and carefully perused the material placed on record.

The law is well settled that transfer is not only an incident but a condition of service, necessary in public interest and for efficiency in the public administration and an order transferring an employee from one place to another cannot be interfered with unless the same is said to be fraught with *mala fides* or contrary to the transfer policy or is said to have been made in violation of mandatory statutory rules.

The purport of the impugned order is that though no specific reasons are assigned, transfer of the petitioner

has been effected on the administrative grounds / exigencies that the petitioner has already completed seven years and seven months of service at R.P.S., Secunderabad and he is long-standing, and further, the Tribunal, while dealing with the cases of similarly situated employees working in R.P.S. at various stations, observed that there are no *mala fides* on the part of the respondents – Government and rejected the interim relief sought for by the applicants.

Inasmuch as the petitioner has failed to prove that the impugned order is bad in law, the contention put forth by the learned counsel for the petitioner that the transfer of the petitioner is effected without there being any counselling, cannot be sustained. In that view of the matter, we do not see any ground to interfere with the order under challenge.

Hence, there is no merit in the writ petition and the same is accordingly dismissed. No order as to costs.

As a sequel to the dismissal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

04.01.2016

**U.DURGA PRASAD
RAO,J**

bcj