

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26270 OF 2012

ORDER:

The case of the petitioner is that he was working as Executive Officer in Karimnagar from 31.05.2006 and completed more than six years service at one station and became senior in long standing among others. As such, he made a representation to the 1st respondent on 14.06.2012 requesting to transfer him to Khammam to perform his daughter's marriage and to look after his son's education. While so, the 1st respondent issued Memo dated 04.07.2012 directing the petitioner to attend the counseling on 09.07.2012 for effecting transfer. Accordingly, the petitioner attended the counseling and chosen three places. But, the respondent without considering the representation of the petitioner dated 14.06.2012 and also the request made by the petitioner choosing three places at the counseling issued impugned transfer proceedings No.A4/1398/APSC/2012, dated 09.07.2012, transferring the petitioner from Karimnagar to Adilabad. But the said transfer order was communicated to the petitioner on 31.07.2012. Meanwhile, the petitioner submitted another representation to the 1st respondent on 18.07.2012, requesting to transfer him to any one of the existing vacancies available at Khammam, Hyderabad, Krishna or Warangal instead of Adilabad. But the same was not considered. As such the petitioner reported

before the 3rd respondent on 03.08.2012 and applied for ten days earned leave. In turn the 3rd respondent issued Memo dated 07.08.2012 directing the petitioner to report before the 1st respondent for further orders. Accordingly, the petitioner reported before the 1st respondent on 08.08.2012 and requested further order. But the 1st respondent endorsed on his report directing the Executive Director to admit and allowed to work at Adilabad as there is ban on transfer orders, which is illegal and arbitrary. Aggrieved by the same, present writ petition is filed.

Respondents 1 to 3 filed counter stating that the transfers were effected in pursuance to the G.O.Ms.No.146, finance (DCM.III) Department dated 01.06.2012 and that though the petitioner opted his posting in Khammam District since the petitioner being native of Khammam District, he was posted to Adilabad District. It is also stated that the ban of transfers was relaxed only for the period from 01.06.2012 to 10.07.2012. As he was already posted to Adilabad and subsequently, ban came into force, the petitioner's request could not be considered. More so, since he belongs to Khammam, his request was could not be considered. It is also stated that as petitioner completed five years at the place he was working he has to be transferred.

It is to be seen that transfer is an incidence of service and it is not the case of the petitioner that transfer is made on malafide grounds. Though, it is stated that the same is

contrary to the transfer guidelines in G.O.Ms.No.146, dated 01.06.2012, but it is not specifically mentioned what is the illegality or irregularity in issuing the impugned proceedings.

In view of the above facts and circumstances, I do not see any merits in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, in the writ petition, shall stand closed.

29.12.2016
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A.RAJASHEKER REDDY, J

