

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 31453 of 2015

Date :9.2.2016

Between :

P.V.K. Rao S/o Koteswara Rao
Vuyyur depot, Krishna district

Petitioner

And

APSRTC,
Rep by its MD, Musheerabad, Hyderabad and others

Respondents

The Court made the following:

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ORAL ORDER:

Petitioner is a driver working in Vuyyur depot. By the impugned proceedings dated 19.9.2015, petitioner was transferred to Autonagar, Vijayawada. Petitioner challenges the said proceedings in this writ petition.

2. Learned counsel for petitioner contends that petitioner's wife is suffering with cancer and she needs frequent medical treatment; petitioner is incurring heavy expenditure to attend to the medication of his wife; there is no other person to take care of wife of petitioner; though Vijayawada is a better place for medical facilities, but cost of living in Vijayawada is very high and with the meager salary petitioner is getting after deductions towards medical expenditure of his wife, he cannot afford to have a living in Vijayawada; and that the claim of the petitioner for retention is on genuine grounds and petitioner ought to have been retained.

3. Learned standing counsel submits that petitioner was earlier transferred from Vuyyur and same was challenged before this Court in W P No. 10594 of 2013 and as per the directions of this Court, petitioner's request was considered and he was retained at Vuyyur. However, he does not have good record of service and that he is involving in talking on mobile phone while driving, which is not good for public transport vehicle as it would involve great risk to lives of passengers traveling in the vehicle and other road users and having regard to the fact that petitioner is indulging in talking on mobile phone, instead of taking disciplinary action, simply transferred the petitioner and there is no illegality in the transfer of the petitioner.

4. Admittedly, petitioner is working as driver and by the impugned transfer, the conditions of the service are not affected, as within Krishna region, petitioner was shifted from one place to another and it is informed that Vuyyur is hardly about 30 Kms from Vijayawada. As seen from the order impugned, as the petitioner was talking on mobile phone while driving the vehicle, the competent authority felt it desirable to shift the petitioner from where he is working instead of resorting to disciplinary action. Since petitioner is working in transferable post and transfer is within the region, the order of transfer does not affect him in any manner. It is always open to the competent authority to have control over the subordinates and in the larger interest of the corporation taking appropriate decision to relocate the employees working at various places. In matters of transfer, ordinarily no interference is called for. It is not a case where malafides are attributed

against the officer who transferred the petitioner.

The only grievance agitated by the petitioner is that due to his wife's present conditions, transfer is not desirable. It appears from the counter affidavit that earlier also on the same ground petitioner's transfer was cancelled and he was accommodated in the same place.

If what is contended by the petitioner is true, it is open to the petitioner to make a representation to the Regional Manager, Krishna Region/second respondent ventilating his grievances and the reasons for retention with supporting documents. If such a representation is submitted by the petitioner within one week from the date of receipt of the copy of this order, same shall be considered on its own merits and appropriate decision be taken within a period of two weeks thereafter.

With the above direction, writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:9.2.2016
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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