

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.9697 of 2016

ORDER:

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This writ petition filed under Article 226 of the Constitution of India challenges the order of transfer passed by the 1st respondent vide proceedings No.CA-3/1779/C-1504/15 dated 14.12.2015.

2. Heard Sri K.Jyothi Prasad, learned counsel for the petitioner and Sri B.Narayana Reddy, Assistant Solicitor General, appearing for respondents, apart from perusing the material available on record.

3. According to the petitioner, he is presently working as Hawaldar in Indian Armed Forces-Army under the control of Government of India and the tenure in the present station comes to end by April 2016. It is also the case of the petitioner that in his entire service, there is no blemish and that he is residing with his family consisting of mother, wife and two daughters and his elder daughter is studying B.Sc. at Gayatri Vidya Parishad, Visakhapatnam, younger daughter is studying Class-IX at K.V. INS Kalinga, Visakhapatnam. It is further stated that during the month of July, 2015, the petitioner made a request through proper channel for extension of tenure for six months vide letter dated 29.7.2015.

4. The case of the petitioner in the present writ petition is that without considering his request, the 1st respondent issued the impugned order of transfer, transferring the petitioner from Visakhapatnam to Balasore. The material on record clearly demonstrates that the petitioner herein submitted representation on 29.7.2015 and the same was forwarded by the 2nd respondent to the 1st respondent and no orders have been passed on the said representation.

5. Having regard to the facts and circumstances of the case and keeping in view the pendency of representation dated 29.7.2015 of the petitioner for retention, which was forwarded by the 2nd respondent to the

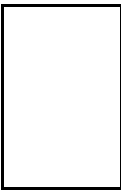
1st respondent, this Court deems it appropriate to dispose of the writ petition, by directing the 1st respondent to consider and take appropriate action on the representation of the petitioner, in accordance with law by fixing some time frame.

6. For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent to consider the representation dated 29.7.2015 of the petitioner, as forwarded by the 2nd respondent by way of letter dated 29.7.2015 and pass appropriate orders, within a period of four weeks from the date of receipt of this order. Till the conclusion of the said exercise, status quo as on today with regard to the status of the petitioner shall be maintained. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 1.4.2016

Note:
Issue C.C. tomorrow.
B/o
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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