

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

THE HON'BLE DR.JUSTICE B.SIVA SANKARA RAO

WRIT APPEAL NO.51 OF 2016

JUDGMENT: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This writ appeal is preferred by the writ petitioner, questioning the correctness of the order and judgment rendered by the Single Judge in dismissing the W.P.No.39743 of 2015 instituted by him.

The petitioner/appellant was working as Additional Assistant Engineer (Operations). He was in fact Additional Assistant Engineer, in charge of Rural Section of Yemmiganur. A complaint was lodged against one Sri G.Chandra Shekar with the Anti Corruption Bureau branch at Kurnool. Based on the complaint, a trap appears to have been laid by the said agency against the said Sri G.Chandra Shekar. Though the petitioner/appellant has nothing to do either directly or indirectly with regard to the said trap, but however, it appears the Deputy Superintendent of Police, Anti Corruption Bureau, Kurnool has taken up the issue with the 2nd respondent herein to transfer two other Additional Assistant Engineers to far off places to enable conducting smooth investigation into the trap laid against Sri G.Chandra Shekar. Conceding to this request of the Anti Corruption Bureau, the 2nd respondent has passed an order on 24.07.2015 transferring and posting the writ petitioner/appellant and another and allotted them to the Operation Circle, Ananthapuram. Aggrieved by this order dated 24.07.2015, the writ petition is preferred.

Heard Sri B.Purushothama Reddy, learned counsel for the writ petitioner/appellant and Ms.Jagarlamudi Koteswari Devi, learned standing counsel, who has accepted notice on behalf of the

respondents herein.

Sri B.Purushothama Reddy, learned counsel, would urge that a wrong impression has been gained by the learned Single Judge, who dealt with the writ petition in assuming that the writ petitioner, in fact, was working at the same office where at Sri G.Chandra Shekar was working. Whereas the fact of the matter is, according to the learned counsel for the petitioner/appellant, that Sri G.Chandra Sekhar was working at Yemmiganur while the writ petitioner/appellant was working at Nandavaram, which is a distinct and different place far away from Yemmiganur though both the places are lying in the same district viz. Kurnool. It was further contended by Sri B.Purushothama Reddy, learned counsel, that the appellant has already taken various steps for recovering the excess monies, which have been paid to the contractor – complainant and stung by that the contractor – complainant has gone to the Anti Corruption Bureau and projected as if the petitioner/appellant has been pressurising the contractor to pay back the monies to the Corporation. Steps were initiated by the petitioner/appellant, according to the learned counsel, much prior to the alleged date of trap laid against Sri G.Chandra Shekar. It is, therefore, urged that transferring the writ petitioner to far away place i.e. to Ananthapuram is completely erroneous and unsustainable.

It is not in dispute that as per the conditions of service applicable to the petitioner/appellant transferability from a place to place is an incident of his conditions of service. Now, the question is whether the 2nd respondent herein is justified in conceding to the request made by the Anti Corruption Bureau to shift the 2 officers, one of them being the writ petitioner/appellant herein to far off place as that would help in investigating smoothly the criminal case booked against Sri G.Chandra Shekar.

The fact remains that one of the officers of the 1st respondent

– company have been trapped by the Anti Corruption Bureau. The crime registered consequently has got to be investigated. Prevention of corruption in public offices being an eminent requirement in larger public interest, it is only appropriate for the competent authority to have conceded to the request of the Anti Corruption Bureau to transfer the writ petitioner/appellant and another from out of the place Yemmiganur or nearby thereto. How far the removal of the writ petitioner and another officer from out of their respective stations will facilitate the Anti Corruption Bureau to carryout its investigation into the crime booked against Sri G.Chandra Shekar is wholly a debatable issue. This court cannot speculate in any manner about the same. But however, it has to be necessarily recognised that investigation into a serious crime like trap laid against a public servant subserves the larger public interest. Unless such crimes are properly investigated, the necessary material which can be brought before the Criminal Court to drive home the charge cannot be accomplished. If for any reason, if the Anti Corruption Bureau has conceived that the actions of the 2 other officers, who have nothing to do with the trap in question are causing or likely to cause hindrance to the smooth way of the investigation against the individual, who has been trapped, is a factor, which is entitled to be looked and taken into consideration by the competent authority and that is what has been done in the instant case.

Therefore, we see no justifiable reason for entertaining this appeal, which in fact is directed against the order passed by the 2nd respondent on 24.07.2015 transferring and posting the writ petitioner/appellant and another to the Operation Circle at the neighbouring place i.e. at Ananthapuram.

However, when an aggrieved employee submits a detailed representation as was done in the instant case, as was gathered by

us from the representation dated 27.07.2015 addressed to the Superintending Engineer, Operation Circle, APSPDCL, Kurnool by the writ petitioner/appellant, we consider that it would be wholly appropriate for the said superior agency to appreciate all relevant facts by taking them into consideration and then pass appropriate orders one way or the other. But it is not for this Court to enter upon the charter of deciding as to how far the action of the 2nd respondent is justifiable in passing the orders on 24.07.2015 transferring the petitioner to the Operation Circle at Ananthapuram, all the more so, Ms.Jagarlamudi Koteswari Devi would submit that the writ petitioner/appellant had already joined in the operation Circle, Ananthapuram and is discharging his duties as of now there.

Therefore, preserving liberty for the writ petitioner/appellant to press for disposal of his representation made to the 3rd respondent herein, this writ appeal is found without any merit and hence it is dismissed. No costs.

Consequently, the miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE DR.B.SIVA SANKARA RAO

15.02.2016
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