

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.13325 of 2016

Date:28.4.2016

Between:

Dr. P.Anitha Rani,
D/o Late Pullanna

....Petitioner

And:

The State of A.P., repled by its
Principal Secretary, Medical &
Health Department, Hyderabad
and three others.

.....Respondents

Counsel for the petitioner: Mr. B.Shiva Kumar

Counsel for Respondent Nos.1 to 3: GP for Services
(Andhra Pradesh)

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The petitioner who is working as Civil Assistant Surgeon filed this Writ Petition feeling aggrieved by order, dated 04.4.2016, in O.A.No.1314 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal'), whereby it has dismissed the said O.A. filed by her challenging her transfer from Primary Health Centre (PHC), Garnimitta to PHC, Gyarampalli.

When this Writ Petition came up before this Court on 21.4.2016, we have adjourned the case to enable the

learned Government Pleader for Services for the State of Andhra Pradesh to seek instructions as to whether the petitioner will be retained at Gyarampalli for a considerable time to ensure that she will not be subjected to frequent transfers as has happened earlier.

Today, at the hearing, learned Government Pleader, on instructions, submitted that though the petitioner's substantive posting is at Garnimitta, as a new Primary Health Centre is opened at Gyarampalli, she along with another doctor was posted to Gyarampalli Primary Health Centre.

The grievance of the petitioner is that within one month of her transfer to Garnimitta, she was shifted to Gyarampalli and that, there is every likelihood of her being further transferred to some other place.

In order to create minimum tenure at a given place, the Government has been issuing instructions from time to time and ordinarily, an employee shall not be transferred from one place to another before the expiry of three years unless administrative exigencies warrant such transfer. Admittedly, the petitioner was transferred to Garnimitta only a few days prior to her posting at Gyarampalli. Therefore, it is not desirable to subject the petitioner to further transfer before the expiry of the tenure of three years. Hence, on the facts of this case, respondent No.3 is directed to allow the petitioner to work at Gyarampalli with her substantive posting at Garnimitta, till her promotion or transfer falls due as per the Government norms, whichever is earlier.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.Nos.16662 and 16663 of 2016 filed by the petitioner for interim relief are disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

*28th April, 2016
DR*