

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 43989 of 2016

ORDER: (*Per VRS,J*)

The petitioner was transferred from Prodduturu to Pulivendula within the same District, namely, Kadapa District, by G.O.Rt.No.369, dated 20.06.2016. Challenging the said Government Order, he filed an application in O.A.No.2606 of 2016. By an order, dated 12.07.2016, the Andhra Pradesh Administrative Tribunal directed the official respondents to consider the representations of the petitioner, in accordance with law, and dispose of the same.

2. Pursuant to the said order, the Engineer-in-Chief passed an order, dated 03.08.2016, reiterating the order of transfer and directing the petitioner to join at the transferred place, namely, Pulivendula.

3. Challenging the said order, dated 03.08.2016, the petitioner again filed O.A.No.3473 of 2016. The said application was dismissed by the Tribunal, by an order, dated 10.11.2016, on the basis of an order passed in O.A.No.3856 of 2016. Aggrieved by the said order, the petitioner is before us.

4. The main contention of the learned counsel for the petitioner is that the case of the petitioner ought to have been allowed, as a consequence of the dismissal of O.A.No.3856 of 2016. In O.A.No.3856 of 2016, the Tribunal was concerned with the transfer of two individuals, namely, N. Madhavi Sukanya and Y.R. Subramanyam. According to the learned counsel, the Tribunal did not apply its mind to what happened in O.A.No.3856 of 2016.

5. We have carefully considered the above submissions.

6. The only ground, on which the petitioner challenged his order of transfer, is that he had not completed the period of five years in the current station, as per G.O.Ms.No.102, dated 10.06.2016, and that persons, who have continued for a longer duration, have been retained.

7. But, as we have repeatedly pointed out, the guidelines issued by the Government, with regard to the transfer, are only directory and not mandatory in nature. An order of transfer can be interfered with, only if it is vitiated by *mala fides* or is in violation of statutory Rules. Both these grounds are absent in this case. Therefore, we do not find any reason to interfere with the order of the Tribunal. Hence, the Writ Petition is dismissed.

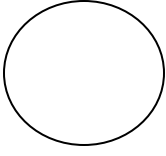
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

26th December, 2016
cbs





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AND
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Writ Petition No. 43989 of 2016
(dismissed)

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