

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

**AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

WRIT PETITION No.39116 of 2015

**-
19.02.2016**

Between:

T.V.V.Satyanarayana Murthy

..Petitioner

And

The District Collector, East Godavari District,
Kakinada and others

..Respondents

Counsel for the petitioner: Mr.K.Satyanarayana Murthy

Counsel for respondent Nos.1 to 5: Government Pleader for Services
(AP)

Counsel for respondent No.6: --

The Court made the following:

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ORDER: (Per CVNR,J)

This writ petition is filed by the Panchayat Secretary of Vakalapudi Village, feeling aggrieved by the order, dated 26.11.2015, in O.A.No.5287 of 2015 of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal').

2. The petitioner, while working as Panchayat Secretary of Vakalapudi Gram Panchayat, Kakinada Rural Mandal, was transferred by respondent No.1, *vide* his proceedings in Roc.No.4752/2015/A1, dated 04.09.2015. He has questioned the said proceedings by filing the aforesaid O.A. On a detailed consideration of the rival pleadings of the parties and the material on record, the Tribunal has come to the conclusion that the transfer made by respondent No.1 on administrative grounds is not liable to be interfered with.

3. At the hearing, the learned counsel for the petitioner has laid strong emphasis on circular memo No.17225/SW/A1/2014-1, dated 27.09.2014, the relevant portion of which, *inter alia*, reads as under:

“5. Government after careful examination of the request of the President/General Secretary, A.P. Revenue Services Association and the President/General Secretary, A.P. Co-operative Service Association, Hyderabad have considered the issue and hereby accord permission to retain the Office Bearers of all the recognized Service Associations in the State of Andhra Pradesh for one more term of three (3) years for those who are completing six (6) years of term at present. In their respective working places i.e., State/District/Taluk Level Head quarters on par with A.P.Non-Gazetted Officer's Association. However, the Competent Authorities can effect such transfers on administrative grounds even before present three (3) years term or the expiry of the nine (9) years period after recording the reasons.”

4. Considering the aforementioned memo, the Tribunal has held that the same applies to the office bearers of recognized service

associations for their retention at State, District and Taluk level headquarters and that Vakalapudi Gram Panchayat not falling under any of the above descriptions, the petitioner is not entitled to the benefit of the said memo.

5. The learned counsel for the petitioner submitted that Vakalapudi Village being part of Kakinada Rural Mandal, it should be treated as a part of District headquarters and that therefore, the Tribunal has committed a serious error in not extending the benefit of the aforesaid memo to the petitioner.

6. Even if we accept the above submission of the learned counsel for the petitioner, a reading of the above reproduced portion of the circular memo, dated 27.09.2014, shows that though the office bearers are given exemption from transfers for nine years, the memo contains an exception, viz., that if a transfer is sought on administrative grounds even before the expiry of the term of three years or nine years, as the case may be, such transfer can be effected after recording reasons. Admittedly, the petitioner worked for seven years at Vakalapudi Village and he was transferred from that place to another place called Uppada, which is also a part of Kakinada Rural Mandal. The object behind the circular memo, dated 27.09.2014, is to ensure that the functioning of the office bearers of associations is not disturbed or disrupted by transferring them out of headquarters. This being the object, in our opinion, the transfer of the petitioner from one area to another area within the reasonable limits of the District headquarters does not in any manner affect his functioning as office bearer of the association. This Court is informed at the hearing that Uppada is just 13 k.m. away from the Kakinada District headquarters. Indeed, a perusal of the representation, dated 12.08.2015, made by the association, of which the petitioner is a member, itself shows that they have requested for transfer of the petitioner to a place called Ramanayyapeta Gram Panchayat, which is a part of Kakinada Rural

Mandal. This itself proves that the association is conscious of the fact that if administrative exigencies warrant, the office bearer could be transferred even before completion of his term of nine years period.

On these facts of the case, we are not convinced that neither the petitioner nor the association he represents suffered any prejudice due to the transfer. In this view of the matter, we do not find any reason to interfere with the order of the Tribunal.

7. The Writ Petition is, accordingly, dismissed.

8. As a sequel to dismissal of the writ petition, W.P.M.P.No.50425 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

19th February, 2016
GHN