

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.7163 of 2016

Date:04.3.2016

Between:

P.Venu,
S/o Audeiah

....Petitioner

And:

The Zilla Grandhalaya Samstha,
SPSR Nellore District and three others.

.....Respondents

Counsel for the petitioner: Mr. M.R.Tagore

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

The Court made the following:

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

Feeling aggrieved by non-extension of interim order, dated 27.8.2015, in Original Application No.4973 of 2015 by the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal'), the applicant therein filed the present Writ Petition.

The facts of the case need not detain us for long. The petitioner was working as an Office Subordinate in Central Library, SPSR Nellore District. Before completion of two years of his stay at that place, he was transferred to Branch Library, Vinjamur, by respondent No.1, vide

proceedings in Rc.No.25-A/2015, dated 14.8.2015. When the petitioner has challenged the said transfer by filing the above-mentioned O.A., on the ground that it was in violation of certain administrative instructions, which *inter alia* laid down that ordinarily, an employee shall be allowed to work at a place for period of three years, respondent No.1 was compelled to disclose the real reason for the petitioner's transfer, viz., that he was not diligent in his duties; that the books and papers of the library were not properly protected by him and they were exposed to rain and subjected to destruction by white ants; that several papers and periodicals were destroyed; and that even the furniture was also found broken.

Having regard to these reasons assigned by respondent No.1 in its counter-affidavit, the Tribunal did not feel inclined to extend the interim order earlier granted in favour of the petitioner.

In our opinion, an employee does not have an unfettered right to insist that he should be allowed to work at a particular place for a particular period. If, despite the administrative instructions affording some protection to the employees against arbitrary transfers, the employer feels that administrative exigencies warrant such transfer even before completion of his tenure at a particular place, the employee has no option other than obliging the employer.

Though the learned counsel for the petitioner tried to impress upon us to test the veracity of the statement contained in the counter-affidavit on the alleged negligence of the petitioner, we are not inclined to be drawn into this aspect since the O.A itself is pending before the Tribunal.

In the above facts and circumstances of the case, we decline to interfere with the impugned order of the Tribunal.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.9144 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.SEETHARAMA MURTI

*04th March 2016
DR*