

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Appeal No.993 of 2016

Date:29.9.2016

Between:

V.Charles, S/o A.Veda Murthu

..... Petitioner

And:

Union of India, New Delhi,
reptd by its Secretary, Ministry
of Defence (Army) and four others.

...Respondents

Counsel for the petitioner: Mr. G.R.Sudhakar

For Mr. G.Jaya Prakash Babu

Counsel for the respondents: Mr. K.L.N.Raghavendra Reddy

For Mr. B.Narayana Reddy

Assistant Solicitor General

The Court made the following:

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

This Writ Appeal arises out of order, dated 09.9.2016, in Writ Petition No.28295 of 2016, whereby the learned single Judge has declined to interfere with the order rejecting the appellant's request for pre-mature retirement and transferring him to Punjab.

We have heard Mr. G.R.Sudhakar, learned counsel representing Mr. G.Jaya Prakash Babu, learned counsel for the appellant and perused the record.

The learned single Judge has dismissed the aforementioned Writ Petition on two grounds, viz., (1) that the issue of rejection of the appellant's request for pre-mature retirement falls within the jurisdiction of the Armed Forces Tribunal; and (2) that the transfer having been effected on administrative grounds, the Court exercising the jurisdiction under Article-226 of the Constitution of India will not interfere with such transfer.

As regards the finding of the learned single Judge regarding the jurisdiction in respect of pre-mature retirement, the learned counsel for the appellant has not only not disputed this finding but also submitted that after disposal of the Writ Petition, the appellant has moved the Armed Forces Tribunal, which has adjourned the case to 25.10.2016. Learned counsel, however, argued that if the appellant is transferred from

Hyderabad, at this stage, it may cause serious prejudice to his interests as, the period of six months, which is to be maintained at a particular station for the purpose of acceptance of the appellant's request for pre-mature retirement, will get postponed by another six months from the date of the appellant joining at the transferred place. We are afraid, we cannot accept this submission of learned counsel for the appellant.

The appellant has not alleged *mala fides* against the respondents. Transfer is a necessary concomitant of every service. Admittedly, the appellant has served at the present place for more than the prescribed period and he was due for transfer. The High Court while exercising its jurisdiction under Article-226 of the Constitution of India seldom interferes with the orders of transfer, more so, when they are made on administrative grounds unless such transfer is vitiated by *mala fides*. In the absence of any such allegations, mere inconvenience that may be caused to an employee on account of transfer cannot constitute a ground for interference with a transfer order by the Courts

For the afore-mentioned reasons, we do not find any merit in the Writ Appeal and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Appeal,
WAMP.No.2226 of 2016 filed by the appellant for interim relief
is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

29th September 2016

DR

