

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 30760 of 2017

Order:

The petitioner applied for the post of Assistant Seed Certification Officer in the year 1985 after completing B.Sc., Agriculture Course from S.V. Agricultural College, Tirupathi. He was appointed as Assistant Seed Certification Officer and joined on 15.04.1985 at the Divisional Office, Tanuku. Thereafter, he was promoted as Senior Seed Certification Officer and transferred to Gadwal, Mahabubnagar District. From 2006 to 2017 he was posted in the following places.

- He was promoted as Senior Seed Certificate Officer on 29.09.2006 and posted as SSCO Gadwal.
- He was transferred to STL Kadapa on 26.05.2007.
- He was transferred to SSCO Ongole on 10.07.2010.
- He was transferred to SSCO Kurnool on 02.07.2012.
- He was transferred as CSCO (FAC) Guntur on 14.07.2015.

Ultimately, he was transferred to Ongole on 27.06.2017. He applied for half pay leave on private affairs from 17.08.2017 to 14.09.2017 and the same was sanctioned. While he was on leave, when an order of transfer was passed on 23.08.2017 transferring him from Ongole to Kurnool after expiry of the leave, he filed the present Writ Petition.

Learned counsel for the petitioner submits that the wife of the petitioner is working in Nellore and as per the transfer policy applicable to the employees he should be posted at a place neighbouring to the place of the spouse. He further submits that even before completing two months of service at Ongole the present transfer order is issued arbitrarily.

Learned counsel appearing for the respondents 1 and 2 submitted that since the petitioner was going on leave frequently the work is pending and he was overlooked for promotion also due to imposition of punishment of stoppage of two increments with cumulative effect by proceedings dated 18.11.2016. The transfer was affected taking into

consideration the welfare of the seed producers and growers in Ongole division. It is further stated that the third respondent who was posted in his place already joined duty on 11.09.2017 Forenoon, whereas this Court passed the interim order on 12.09.2017.

Normally, this Court will not interfere in routine administrative orders of transfer. But, in this case, the petitioner was posted in Ongole on 27.06.2017 and when the petitioner was on leave from 17.08.2017 to 14.09.2017, the impugned order of transfer was passed by the Director In-charge and now the pendency of work is pressed into service in defence of order of transfer. The petitioner hardly worked for a period of 45 days. The pendency of work cannot be attributed to the petitioner. In these circumstances, this Court sees that the transfer order is arbitrary, but, in view of the fact of the third respondent joining the transferred post on 11.09.2017 and in view of the justification already pressed into service by the second respondent, this Court feels that an appropriate decision can be taken by the first respondent, who is the higher authority to the Director In-charge, with regard to placement of the petitioner.

In that view of the matter, the impugned order dated 23.08.2017 transferring the petitioner from Ongole to Kurnool is set aside and the matter is remanded to the first respondent for passing fresh orders, after going through the record and considering the circumstances, in accordance with law within a period of two weeks from the date of receipt of a copy of this order. When such orders are passed, the absence of the petitioner after expiry of leave on 14.09.2017 could be regulated as per the rules.

The Writ Petition is, accordingly, allowed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 05.12.2017
Nsr

