

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15191 OF 2017

DATE: 27.04.2017

Between :

D.Jagadeeshwar S/o Purandharjee,
Aged 42 years, Occu: Govt. Employee,
r/o H.No.2-6-54/1, Market Road,
Mahabubnagar, Mahabubnagar dist.

... Petitioner

And

State of Telangana, rep.by its Principal Secretary,
Roads and Buildings Department, Secretariat,
Hyderabad and others.

....Respondents



This court made the following :

HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Petitioner is Senior Assistant in Roads & Buildings Circle, Mahabubnagar. He was on medical leave from 04.01.2017 and submitted joining report on 01.04.2017. On receipt of joining report, the Superintending Engineer, R & B Circle, Mahabubnagar (3rd respondent) issued orders on 01.04.2017, impugned in the present writ petition, asking the petitioner to work in R & B Sub-division, Gadwal, on working arrangement basis. Petitioner challenges this order primarily on the ground that order is not valid as there is ban on transfers and present transfer is in violation of the ban on transfer and, therefore, *ex facie* illegal.

2. Learned counsel for the petitioner submits that the 3rd respondent could not have posted the petitioner in Sub-division, Gadwal, when he was earlier working in R & B Circle Office, Mahabubnagar.

3. It is not in dispute that 3rd respondent is the competent authority and transfer is affected within the circle. From the reading of the order it would make clear that after being on leave for almost three months petitioner reported to duty. By way of local working arrangement, 3rd respondent posted the petitioner in Sub-division, Gadwal. It appears, it is purely a decision taken on administrative grounds by the 3rd respondent, in exigency of service. No allegation of malice against him is made. The service conditions of the petitioner are not affected.

4. In the peculiar facts of this case also, it cannot be said that ban on transfers is affected. Further, even assuming that there is violation of ban on transfer, they being administrative instructions are not enforceable, more so when service conditions of the petitioner are not affected. I see no merit in the writ petition and writ petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 27.04.2017
kkm



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