

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.20991 OF 2017

ORDER :

Petitioner has filed this Writ Petition assailing his transfer vide proceeding dt.24.06.2017 issued by the 2nd respondent transferring him from Jami Section, Vizanagaram Division to Section Office, Pachi Penta, Bobbili Division, Vizanagaram.

2. Counsel for petitioner contended that the transfer of the petitioner affected by the 2nd respondent is in contravention of guidelines 6, 11 and 20 issued by the 2nd respondent vide Memo dt.19.05.2017.

3. Guideline 6 deals with request transfer after completion of two years. Since, the petitioner did not seek a request transfer, guideline 6 has no application.

4. Guideline 11 states that preference may be given to married couple working in the 2nd respondent-Corporation to be posted in the same place and also directs that employees whose spouse is working in Central or State Government or Public Sector Units of Central and State Government may be transferred within the District. Admittedly, petitioner's spouse is not an employee of APEPDCL. Therefore, 1st portion of Clause 11 has no application. Petitioner's spouse is employee in Education Department within Vizanagaram District. Therefore, he cannot object to his transfer

to any place within the same District and his transfer is in conformity with the Guideline 11.

5 As regards Guideline 20, petitioner contends that total transfers in any cadre are required to be limited to 20% of the cadre strength and that the petitioner's transfer exceeds this quota. Admittedly, what is laid down by the 2nd respondent is only a guideline. It is therefore, not mandatory to follow it and where administrative exigencies require transfer in excess of the quota, the 2nd respondent cannot be estopped by confining the transfers to the 20% quota prescribed therein.

6. The legal position that transfer is an incident of service and that no employee has a right to be posted to a particular place, is not in dispute.

7. Therefore, I see no merit in this Writ Petition and it is accordingly dismissed at the admission stage. There shall be no order as to costs.

8. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S. RAMACHANDRA RAO, J

28th June, 2017.

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