

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.17721 of 2017

ORDER:

The petitioner challenges proceedings No.E1/772/APEWIDC/2017-32, dated 23.05.2017 transferring him from Kurnool Circle to Guntur Circle.

The transfer order reads thus :-

“Sri P.Prathap Reddy, Dy.EE/ EE(i/ c), O/ o.EE, Kurnool, working as Dy.EE/ EE(i/ c) in the Kurnool Division. According to the service particulars available on record that the individual has completed more than 31 years in Kurnool division irrespective of cadre, viz. more than mandatory period of service in the particular station or place. Hence, his retention in particular station/ place is contravening the orders issued in the G.O. 1st read above.

Therefore, it is considered and decided to transfer the individual from the present place. Accordingly, the following transfer and posting is ordered with immediate effect.

Sri P.Prathap Reddy, Dy.EE/ EE(i/ c) is transferred and posted as Dy.EE/ EE(I/ c), East Godavari Division vice Sri N.Nageshwara Rao, Dy.EE/ EE (i/ c) is transferred.

The SE, APWIDC Guntur & Kadapa, shall implement the above order with immediate effect and take further necessary action in the matter by making local arrangements wherever necessary and also request to furnish compliance report to this office by 27-05-2017 positively. Any deviation is noticed in this regard will be viewed seriously.”

The principal challenge to an order of transfer raised by petitioner is that the transfer results in petitioner working under his

junior. Therefore, the transfer order is illegal and over all administrative exigency needs are not properly appreciated.

On 14.07.2017, this Court granted interim suspension of proceedings, dated 23.05.2017.

The respondents filed petition to vacate the interim order dated 14.07.2017.

Paragraph '11' of the counter affidavit reads thus:-

"It is a fact that the East Godavari Division, Kakinada in Guntur Circle. The petitioner has to report to SE, Guntur circle in the capacity of DEE/ EE (i/c), E.G. Dist., Kakinada. Infact the administration wants to consider to post the petitioner as SE (FAC), Guntur Circle after completing the transfers in substantive posts, and as per seniority and convenience of administration make FAC arrangements from the post of DEE/ EE of that circle, but the petitioner is not accepting for the same and threatening that it is in violation of interim orders dated 30.11.2010 in W.A.No.1026 of 2010 and lead to contempt of court and at any rate he wants to continue at Kadapa circle even after completion of 11 years DEE/ EE at Kurnool and 8 years at Kadapa circle as SE."

From the above, it is clear that the petitioner rushed to this Court without allowing the respondents to take note of administrative exigencies resulted in pursuant to transfers undertaken from one circle to another or within the circle etc.

The counter affidavit further says that the respondent Corporation does not propose to make petitioner to work under his junior.

At the first instance, after taking note of the stand taken in the affidavit, this Court proposed to impose exemplary costs while disposing of the writ petition.

Sri Gaddam Sinivas submits that the petitioner is satisfied if the stand taken in the counter affidavit is placed on record and the writ petition is dismissed.

Hence, the writ petition is dismissed by placing on record the stand taken in the counter affidavit. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 06.09.2017
Prv



S. V. BHATT, J

