

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE Dr.JUSTICE SHAMEEM AKTHER

WRIT APPEAL No.541 of 2017

JUDGMENT: (Per Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the interlocutory order passed by the learned Single Judge in W.P.M.P.No.12047 of 2017 in W.P.No.9720 of 2017 dated 20.03.2017.

The appellant herein is the petitioner in the Writ Petition which was filed seeking a direction from this Court to suspend the proceedings dated 09.03.2017, whereby the appellant/writ petitioner was transferred from Sadashivpet Municipality to Kamareddy Municipality in the same post of Superintendent in the same scale of pay, and with identical emoluments. The only grievance, urged before us, is that, since the proceedings dated 09.03.2017 in the “subject column” refers to her inadequate performance, it casts a stigma on her; and the order of transfer is, therefore, an order of punishment for which an enquiry should have been caused before such a punishment was imposed.

The order, *per se*, only refers to the appellant/writ petitioner being transferred under the exigencies of administration. The question whether reference to inadequate performance of the appellant/writ petitioner in the “subject column” of the order, even though the body of the order makes no such reference, would amount

to a stigma of such a nature being cast on the appellant warranting the order of transfer being set aside, is a matter which necessitates examination in the Writ Petition.

In this appeal, the order under challenge is merely an interlocutory order. The learned Single Judge has, in the order under appeal, observed that, since the appellant-writ petitioner was posted to the substantive post of Manager, which did not affect the conditions of her service, he was not inclined to suspend the order as the balance of convenience was not in favour of the appellant-writ petitioner. We find no infirmity in the order of the learned single Judge necessitating interference in an intra-court appeal under clause 15 of the letters patent. The appeal fails and is, accordingly, dismissed. As a sequel, miscellaneous petitions, if any pending in the Writ Appeal, stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Dr. SHAMEEM AKTHER, J

April 24, 2017
MRR