

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**FRIDAY, THE THIRD DAY OF FEBRUARY TWO
THOUSAND AND SEVENTEEN**

**Present
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT PETITION No.3901 of 2017

Between:

Major P. Reddappa
S/o.Late P. Krishnaiah,
House No.277/1, Allenby Lines,
Secunderabad, Telangana

.. Petitioner

AND

The Union of India,
Rep. by its Secretary,
Ministry of Defence, South Block,
New Delhi – 110011 and 3 others

.. Respondents

The Court made the following:



HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.3901 of 2017****ORDER:**

Petitioner who was posted to E.M.E. Records, Secunderabad as Record Officer by orders, dated 14-12-2015 is transferred vide order impugned to SIKH Regiment, Ramgarh, Jarkhand in the same capacity.

2. The said order is under challenge on the ground that when he was posted in Secunderabad by order, dated 14-12-2015 his tenure was for two (2) years and he was posted on his personal request due to his domestic obligations and even before his two years tenure is completed he is now shifted out from Secunderabad. He further submitted that there is no adverse remark against him and his unit officers have recommended for retention and in spite of the same so far no orders are passed retaining him, whereas in terms of the impugned order of transfer he has to be relieved by 14-02-2017. His transfer and posting into a far of place from his home town at this stage will cause lot of hardship and suffering and his request for retention ought to have been considered by the Competent Authority before effecting such transfer.

3. Learned counsel for the petitioner also submitted that in addition to the recommendation letters of the Unit Heads he has submitted a representation on 09-01-2017 whereon also the Commandant Officer has strongly recommended for his retention but so far no orders are passed.

4. It is not in dispute that the petitioner is liable to work anywhere in the country wherever his services are required and the order of transfer is passed by the competent authority. The only grievance of the petitioner appears that when he was brought to Secunderabad it was indicated as two (2) years tenure, whereas such tenure was abruptly curtailed and such action is not bonafide.

5. There may be any number of reasons to the competent authority to effect transfer even before a person completes a particular tenure. The order *per se* on the face of it does not attribute any misconduct to the petitioner and when these parameters are not satisfied, the jurisdiction of the writ Court to interfere in matters of transfer, in particular, concerning officers working in the Indian Army are very very limited and this is not a case falling into exceptional category.

6. With reference to the grievance of the petitioner that he has some domestic obligations to be fulfilled and if only he is retained for the rest of the tenure those obligations would be completed, this is a matter to be considered by the competent

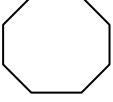
authority. Since the recommendation is already made by the Local Head on the representation made by him, it is for the competent authority to consider the request of the petitioner for retention. However, no direction can be granted for continuation of the petitioner, pending consideration of such request.

7. Accordingly, the writ petition is disposed of, limiting the direction only to the extent of directing the respondents 3 and 4 to consider the representation submitted by the petitioner on 09-01-2017 duly taking note of the recommendations made by the Commanding Officer and Brigadier Commandant, 1 EME Centre, as expeditiously as possible, preferably within a period of ten (10) days from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P. NAVEEN RAO, J

February 03, 2017

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HON'BLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.3901 of 2017

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