

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.31700 of 2017

ORDER:

It is the case of the petitioner that he was implicated in a false criminal case in Crime No.3 of 2016 of Bapatla Police Station and Crime No.103 of 2016 of Arundalpet Police Station Guntur District by the plaintiffs in O.S.Nos.151 of 2015 and 6 of 2016 pending on the file of the Court of the Senior Civil Judge, Bapatla, Guntur. It is stated that the petitioner is rendering assistance to the defendants therein. While so, it is alleged that the plaintiffs created two fake Associations called Nangarabheri Lambadi Hakkula Porata Samithi and Scheduled Tegala Yanadi Abhivruddhi Mariyu Samskhema Association and it is evidenced by the letter of the District Registrar, Guntur, dated 15.12.2016. It appears that the main allegation against the petitioner is that he produced false Scheduled Tribe (Yanadi) caste certificate and secured employment. On the said allegation, the above crimes were registered. The petitioner was placed under suspension on 26.01.2016. But, however, he was reinstated vide Memo dated 31.07.2017 pending finalization of criminal proceedings. While reinstating the petitioner, the second respondent appeared to have posted him at Lower Sileru called LSHES, which is 300 kms away from the third respondent Station, where he was working at the time of suspension. As per the affidavit filed by the petitioner, he is facing two criminal cases and seven enquiries. He seeks

retention in the old place where he was working before his transfer on revocation of suspension. For this purpose he submitted a representation on 11.08.2017 and he also states that there are eighty vacancies in the third respondent jurisdiction and since the enquiries and cases are in and around Vijayawada i.e., Guntur, Vijayawada and Ponnur, it would be easy for him to face the same. In those circumstances, he filed the present Writ Petition for a direction to dispose of the said representation dated 10.08.2017 submitted on 11.08.2017.

It is for the employer to post any employee at a place chosen by him. This Court cannot give any positive direction to post a particular employee in a particular place unless the action of the employer is mala fide or arbitrary. Since the petitioner states that it would be convenient to him to face the enquiry and criminal cases in the place within the jurisdiction of the third respondent, it is open to the respondents to consider the representation of the petitioner taking the above facts, but no direction can be issued from this Court.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

30.10.2017
vs