

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

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

and

THE HON'BLE SRI JUSTICE M. GANGA RAO

Writ Appeal Nso.1662 and 1664 of 2017

W.A.No.1662 of 2017

Between:

P. Sudershan, S/o Ramulu, aged 38 years,
Occ: Security Guard, C/o Qr.No.103, 1st floor,
PJP Camp Genco Quarters, Atmakur village &
Mandal, Wanaparthy District, Telangana and 7 others

... Appellants

Vs.

The TS GENCO, represented by its Managing Director,
Vidyuth Soudha, Somajiguda, Khairatabad, Hyderabad
and 5 others

.. Respondents

W.A.No.1664 of 2017

Between:

P. Kiran Kumar, S/o Durga Rao, aged 31 years,
Occ: Security Guard, C/o L. Damodar Rao, #9-47,
Dubbapally village, Chelpur Post, Ghanpur (M)
Mandal, Jayashankar District, Telangana and 46 others

... Appellants

Vs.

The TS GENCO, represented by its Managing Director,
Vidyuth Soudha, Somajiguda, Khairatabad, Hyderabad
and 5 others

.. Respondents

For Petitioner : Mr. Peeta Raman

For Respondents : Mr. G. Vidyasagar, learned senior
Counsel appearing for Mrs. A. Deepthi,
Standing counsel

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE M. GANGA RAO

Writ Appeal Nso.1662 and 1664 of 2017

COMMON ORDER: (V. Ramasubramanian, J)

Aggrieved by the dismissal of their writ petitions challenging orders of transfer, Security Guards posted at certain Power Stations, have come up with the above writ appeals.

2. Heard Mr. Peeta Raman, learned counsel for the appellants. Mr. A. Deepthi, learned standing counsel takes notice for the respondents, who is represented by Mr. G. Vidyasagar, learned senior counsel.

3. The orders of transfer impugned in two writ petitions by the appellants, were purportedly passed on administrative grounds due to exigencies of service. It is an en masse transfer. No specific reasons are assigned for transferring any individual.

4. The grounds on which the appellants challenged the orders of transfer were (1) that the orders were passed for *malafide* reasons; and (2) that the transfers have been ordered in the middle of the academic year.

5. Finding no reasons to sustain these two grounds, the learned Judge dismissed the writ petitions, however, with liberty to the petitioners to make a representation and directing the respondents to consider the same. Contending that the learned Judge ought to have set aside the transfer orders, the appellants are before us.

6. As we have stated earlier, the orders of transfer are passed in respect of 47 individuals. The only reason stated in the orders of transfer is that it has been passed due to exigencies of service.

7. When transfers are ordered on administrative grounds due to exigencies, they can be interfered with by Courts, only (1) if *malafides* are established; or (2) if the transfers have been ordered in violation of statutory rules. Admittedly, both these grounds are absent in this case.

8. Though the learned counsel for the appellants submitted that the transfer are vitiated by malafides, no allegations of legal or factual malice has been made in the affidavit in support of the writ petitions against any officer of the Corporation. A general order of transfer affecting 47 individuals cannot be assailed on vague allegations of malafides.

9. There is also no violation of the statutory rules. The terms and conditions of appointment provide for such a transfer. Therefore, the learned Judge did what the law ordained him to do namely to allow the appellants/petitioners to make representations against the orders of transfer.

Therefore, the writ appeals are dismissed. It will be open to the appellants to make representations, as directed by the learned Judge and the Corporation shall consider the individual representations, with reference to their own merits and pass appropriate orders in accordance with law.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

Date: 08-11-2017

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