

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos. 35969 & 36002 of 2017

COMMON ORDER:

As the issue in both these writ petitions is one and the same, they are being heard together and disposed of by way of this Common Order.

Heard learned counsel for the petitioners and Sri G.Vidyasagar, learned Senior Counsel for Smt.A.Deepthi, learned Standing Counsel for TS GENCO.

Both these writ petitions are filed assailing the proceedings issued by the 2nd and 3rd respondents dated 25.10.2017 wherein the petitioners were transferred to the other units other than their parent units.

Learned counsel for the petitioners submits that the Unit of appointment of the security guards is District only, as such, petitioners cannot be transferred beyond District. He submits that the petitioners cannot be transferred in the middle of the academic year and that they have not been completed three years of service as on today. He submits that by virtue of impugned transfers, their children's education and family would be disturbed. When there is shuffling of employees between two places, it cannot be termed as transfer on administrative grounds.

On the other hand, Sri G.Vidyasagar, learned Senior Counsel would submit by referring to the appointment orders

of the petitioners and also the Rules made thereunder, they are liable to serve the department anywhere in TS GENCO and that the petitioners have not given details of the petitioners' whose children's education is affected and that the petitioners have not made any representation aggrieved by the said transfers.

It is to be seen that the power of judicial review under Article 226 of the Constitution of India in respect of transfers is very limited. In this case, admittedly, appointment orders and service Rules provide for that the petitioners have to work anywhere in TS GENCO and said aspect is not disputed by the learned counsel for the petitioners. Moreover, as rightly contended by the learned Senior Counsel that no particulars of the petitioners' whose children's education is affected is not mentioned in the affidavits filed in support of these writ petitions. Only vague and general allegations are made against the respondents.

In view of the same, I do not see any reason to entertain the writ petitions. However, petitioners', whose children's education is going to be affected by virtue of the subject transfers, they can make a representation before the concerned authorities and on such representation, the competent authority is directed to consider the same and take action accordingly.

With the above direction, both these writ petitions are disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in these writ petitions, shall stand disposed of.

A.RAJASHEKER REDDY, J

27-10-2017

Note: issue cc today.

B/o.kvs



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Date: 27.10.2017

kvs

