

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 40777 and 40779 of 2017

Common Order:

These two Writ Petitions are being disposed of by this common order, as they relate to the orders dated 25.11.2017 transferring the petitioners from Sathupally Depot to Bhadrachalam Depot, however within Khammam Region.

The petitioners are involved in a minor altercation and on that ground disciplinary proceedings are going on. When they were kept under suspension at the time of issuing charge sheet, they approached this Court and this Court suspended the orders of suspension. As a consequence to that, while reinstating the petitioners into service, when they were transferred from the place where they were working at the time of suspension to another depot at Bhadrachalam, as stated above, the present Writ Petitions were filed.

Learned counsel for the petitioners submitted that the transfer in the middle of the academic year is not on administrative grounds and is intended only to show the petitioners their place as they obtained the orders of suspension from this Court.

In those circumstances, this Court called for the file relating to the transfer and it clearly showed that there are 17 vacancies each in Sathupally Depot and Bhadrachalam Depot. In those circumstances, it cannot be called that the transfer is purely on administrative grounds. No doubt, this Court will not interfere with the orders of transfer except on rare occasions. Though the learned counsel for the respondents vehemently argued that the transfer orders cannot be interfered with unless there are *mala fides* and lack of authority, after perusing the file

and attendant circumstances, this court came to the conclusion that the orders of transfer are not on purely administrative grounds, more so, when there are equal number of vacancies in the Depot where the petitioners were working at the time of transfer and in the Depot where they are now transferred. The respondents 1 to 3 should have been more gracious in accepting the orders of this Court by reinstating the petitioners in the same place where they were working. The respondents 1 to 3 on the one hand implemented the orders passed by this Court, but transferred the petitioners in order to show their power and authority.

In the circumstances, this court sees that the impugned orders of transfer dated 25.11.2017 are not *bona fide* and there is nothing on record to justify the transfer orders. Accordingly, the Writ Petitions are allowed by setting aside the proceedings dated 25.11.2017. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in these Writ Petitions shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 11.12.2017

Note:
Issue CC in two days
(B/O)
Nsr