THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.13971 OF 2018

ORDER: (per SK,J)

The petitioner is the unsuccessful applicant in O.A.No.2718 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. Her grievance therein was with regard to the action of the authorities in posting her to a far away hill area located at Duddukhallu. She sought a consequential direction to the authorities to modify the proceedings dated 14.09.2017 whereby she was posted at Duddukhallu and to continue her at the present location keeping in mind her status of health and her physical disability. By order dated 29.11.2017, the Tribunal dismissed the O.A. Aggrieved thereby, she filed the present writ petition.

By order dated 17.09.2018 passed in this writ petition, this Court expressed its inability to understand as to how the petitioner-applicant could refuse to join at the new location despite the order of posting having been passed as long back as in the year 2017. Thereupon, Sri Karri Suryanarayana, learned counsel for the petitioner, stated that he would obtain instructions and report but was absent on the next date of hearing.

The admitted position as on date is that the petitioner-applicant did not choose to join at Duddukhallu despite the order dated 14.09.2017 directing her to do so.

Learned Government Pleader for Services, State of Andhra Pradesh, would point out that the petitioner-applicant was suspended from service keeping in mind the serious charges levelled against her. However, though no orders were passed in O.A.No.1898 of 2017 filed by the petitioner-applicant calling in question the suspension order, the authorities

themselves deemed it appropriate to recall the said order and reinstated her in service *vide* the proceedings dated 14.09.2017. However, in order to see that a fair and impartial enquiry takes place in relation to the disciplinary proceedings initiated against the petitioner-applicant, she was transferred to a different school at Duddukhallu.

Learned Government Pleader would inform this Court that the disciplinary proceedings culminated in the imposition of the major penalty of withholding of one increment with cumulative effect but independent proceedings have now been initiated against her in relation to her unauthorised absence.

This being the situation, we find absolutely no grounds to interfere with the order under challenge. It is not open to an employee to adamantly insist upon being continued at the place of his or her choice citing personal grounds, all the more so, when such a transfer is effected keeping in mind the pending disciplinary proceedings and the impending enquiry pursuant thereto.

The writ petition is therefore devoid of merit and is accordingly dismissed. It is however open to the petitioner-applicant to make a representation to the authorities concerned after reporting at the place of her posting if she wants an alternative posting keeping in mind her health and her physical disability.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

_____
SANJAY KUMAR,J

_____
M.GANGA RAO,J

Date:28.11.2018
GJ

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते