

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20382 of 2018

Dated : 19.06.2018

Between:

D.Shakunthala W/o.G.Bhumaiah,
Aged about 59 yrs,
Occu : PGT (Hindi) TSWRES/Jc/Girls/Narsing,
R/o.H.No.1-2-56/3, Nageshwara Rao colony,
Road No.1, Kothapet, Hyderabad.

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Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Social Welfare Department,
Secretariat, Secretariat Buildings,
Hyderabad & others.

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Respondents



This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.20382 of 2018****ORDER :**

Heard.

2. Petitioner is working as Post Graduate Teacher in Hindi in Telangana Social Welfare Residential School-cum-Junior College for girls, Narsingi. Consequent to lifting of ban on transfers, the Telangana Social Welfare Residential Institutions of Society, notified transfer guidelines, vide circular dated 01.06.2018. Guideline No.5 of Annexure 1 appended to the circular would disclose that the employees who are retiring on or before 31.05.2019 are not subjected to transfer only if a specific request for transfer is made.

3. Though petitioner is due for retirement in April, 2019 and not liable for transfer as per the said guidelines, petitioner applied for transfer and participated in the transfer counseling. Petitioner seems to have applied for transfer to Saroornagar or R.K.Puram. However in the transfer counseling, she was transferred to Nallakanche. This order of transfer is now under challenge.

4. As noticed above, though petitioner is not liable for transfer as she is due for retirement before 31.05.2019, petitioner voluntarily participated in the transfer counseling. Once employee participates in the transfer counseling, transfers have to be made in accordance with the terms of guidelines and by observing counseling procedure and no priority is assigned in considering the place of posting based on the date of retirement. Petitioner cannot choose a particular place and insist for posting and if posting is

not granted as per her desire, she cannot challenge the transfer, as rightly pointed out by learned Standing counsel.

5. A reading of paragraph No.4 of the order of transfer would show that petitioner consented in the open transfer counseling conducted on 14.06.2018, for being posted in Nallakanche. *Per se* transfer does not affect the service conditions of employee. However, in order to ensure that the person due for retirement is not inconvenienced by disturbing at the last minute and allow him/her to organize the post retirement issues, such person is retained in the present place of posting even if such person is long standing. Thus, clause 5-A of the guidelines, is very specific and an employee is subjected to transfer only if a request is made. In the instant case, petitioner is subjected to transfer because of the request made by her.

6. Thus, I do not see any error in the decision of transferring the petitioner to Nallakanche, Ranga Reddy District. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to make a representation and if there is scope for consideration of such representation, it is open to the competent authority to consider the same. There shall be no order as to costs.

7. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

19th June, 2018.
Rds

P.NAVEEN RAO,J