

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

**WRIT PETITION Nos.20667, 20750, 20751, 20753,
21116 and 21144 OF 2018**

Dated:05.07.2018

W.P.No.20667 of 2018

Between:

E. Sravan Kumar, S/o. Narayana,
Aged about 32 years, Occ: Prohibition
And Excise Constable, O/o. Station
House Office Prohibition and Excise,
Khammam Town – I, Khammam District .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Revenue Department
(Excise), Secretariat Buildings,
Hyderabad and others .. Respondents



The Court made the following:

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COMMON ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Prohibition and Excise appearing for the respondents.

2. Orders impugned are the orders of transfer passed by the District Prohibition and Excise Officer, Khammam. The main challenge is on the ground that Kataram, where petitioners are posted, is not within the Khammam District; it originally belongs to the erstwhile Karimnagar District and now forms part of Jayashankar Bhupalpally District. The post of Excise Constable being a District cadre post, petitioners cannot be transferred out of Khammam District and the District Prohibition and Excise Officer is not competent to make such transfers.

3. On this aspect, learned Government Pleader for Prohibition and Excise appearing for the respondents sought adjournment on the last occasion. Learned Government Pleader now produced the orders of the Government vide G.O.Rt.No.283, dated 04.07.2018, transferring the petitioners to Kataram in relaxation of ban on transfers and in exercise of power under Rule 5(2)(c) of the Presidential Order.

4. The fact that the G.O., now issued would show that the Government also agrees with the contention of learned counsel for the petitioners that the earlier transfer orders effected by the District Prohibition and Excise Officer are without jurisdiction and

competence and therefore the orders impugned are liable to be set aside.

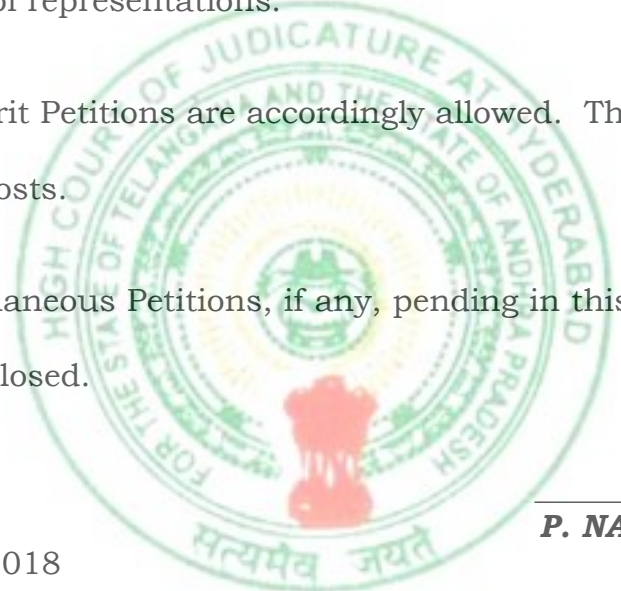
5. Accordingly, the orders impugned are set aside. As a consequence, even if petitioners are relieved, they have to be treated as on duty until further orders are passed pursuant to the Government Orders vide G.O.Rt.No.283, dated 04.07.2018. If the petitioners are aggrieved by the orders of the Government vide G.O.Rt.No.283, dated 04.07.2018, it is open to the petitioners to avail appropriate remedies as available in law including submission of representations.

6. The Writ Petitions are accordingly allowed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petitions shall stand closed.

Date:05.07.2018

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P. NAVEEN RAO, J