

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.20717 OF 2018

Dated:21.06.2018

Between:

K. Srinivas, S/o. K. Keshabulu,
Aged about 33 years, Occ: Senior Assistant,
Mandamarri Municipality, Mandamarri,
Mancherial District .. Petitioner

And

The Regional Director-cum-Appellate
Commissioner of Municipal Administration,
Warangal Region, Warangal, Warangal
District and others .. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner; learned Government Pleader for Municipal Administration appearing for respondents 1, 3 and 4 and learned Standing Counsel for Mandamarri Municipality appearing for respondent No.2.

2. By the order impugned, petitioner was transferred from Mandamarri Municipality to Yellandu Municipality. The said order is challenged on the ground that the Regional Director of Municipal Administration is not competent to transfer the petitioner. In support of the said contention, reliance is placed on the decision of the Division Bench of this Court in W.P.No.5536 of 2003 and batch dated 04.09.2003.

3. From a reading of Section 75 of the Andhra Pradesh Municipalities Act, 1965 (for short, 'the Act'), which was extracted by the Division Bench of this Court in the above referred batch of Writ Petitions, and as fairly submitted by learned counsel for the petitioner that the same provision stands even today, it is clear that the employees working in categories V and VI are liable for transfer within the zones concerned and the Regional Director is the competent authority to order the postings and transfers of categories V and VI within the zone. The post of Senior Assistant is in category V and therefore in terms of the said provision, the

Regional Director is the competent authority. Furthermore, in the batch of Writ Petitions, which were disposed of by a common order, the claim was by the Junior Assistants and Bill Collectors. According to them, each Municipality is a Unit and they cannot be transferred out of the Municipality. By considering the relevant provisions, the Division Bench of this Court held that the Junior Assistants and Bill Collectors cannot be transferred out of the Municipality.

4. As noted above, petitioner herein is working as Senior Assistant, whereas the decision of the Division Bench is not concerning the Senior Assistants. Thus, the said decision does not come to the aid of the petitioner. In this case petitioner was transferred within the zone. In view of clear provision in Section 75 of the Act, which empowers the Regional Director-cum-Appellate Commissioner to transfer a Senior Assistant, I do not see any illegality in the order passed by the 1st respondent warranting interference by this Court. Except this contention, no other contentions are urged. The Writ Petition deserves to be dismissed.

5. At this stage, learned counsel for the petitioner submits that the petitioner underwent operation and needs medical treatment. If petitioner is not given the choice of place, with reference to health grounds, it is open to the petitioner to make a representation before the competent authority and

the competent authority shall consider the same and pass appropriate orders.

6. The Writ Petition accordingly dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:21.06.2018

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