

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24425 OF 2018

Date: 18.07.2018

Between:

U.Subash Chandra Bose, S/o.late Nageswar Rao,
Aged about 30 years, occu: Grade-I Panchayat
Secretary, Ankapur Gram Panchayat, Armoor Mandal,
Nizamabad district.

.....Petitioner

and

The State of Telangana, rep.by its Principal Secretary,
Panchayat Raj & Rural Development, TS Secretariat,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

This writ petition is filed praying to grant the following reliefs:

“to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus declaring the issuance of impugned proceedings Lr.Nos.PR No.A2/84/2016 dated 08.6.2018 and Lr.No.A2/Admn/2018 dated 8.6.2018 and consequently proceedings A2/Admn/2018 dated 28.5.2018 in proposing to surrender the charge to some officers ignoring the petitioners performance as illegal arbitrary unjust and contrary to law and also clear violation of the circular issued by the 1st respondent dated 13.8.2010, 20.6.2018 and consequently set aside the same and allow the petitioner to perform the duties as Panchayat Secretary without intervention of the alleged complaints said to be received through Cell phone and set aside the same as per the circular and also the rules prescribed under Service jurisprudence while allowing the petitioner to perform the in charge duties as usual....”

2. Three proceedings are under challenge; 1) order relieving petitioner as Panchayat Secretary of Ankapur Gram Panchayat as well as incharge arrangements of another Gram Panchayat and surrendering him to the District Panchayat Officer, and 2) two other documents are internal correspondence between the Mandal Parishad Development Officer and the District Panchayat Officer. *Prima facie*, internal correspondence between Mandal Parishad Development Officer and the District Panchayat Officer do not give rise to cause of action. More so when those copies are not served on the petitioner, but secured by him on his own as fairly stated by the learned counsel for petitioner. This leaves consideration of issue with reference to surrender of petitioner to the District Panchayat Officer, Nizamabad and in his place, assigning duties to other Panchayat Secretaries.

3. Learned counsel for petitioner does not dispute that Mandal Parishad Development Officer is competent to transfer within his jurisdiction. Learned counsel for petitioner sought to rely on orders dated 20.06.2018 imposing ban on transfers pending elections to local bodies and contends that Mandal Parishad Development Officer is not competent to transfer the petitioner. However, what is relied is subsequent proceedings and the subsequent ban on transfers cannot vitiate earlier order validly made by competent authority. Further, this ban was with reference to then proposal to conduct elections to the local bodies.

4. It appears from the reading of order, surrender was made on administrative grounds. There is no bar in surrendering/ transferring the petitioner from the present place of posting on administrative grounds. The order *per se* does not refer to any disciplinary action nor does it attribute anything against the petitioner. Learned counsel for petitioner sought to rely on internal correspondence to contend that transfer is vitiated on the ground of alleged disciplinary action. Thus, Court is not inclined to entertain the writ petition with reference to transfer of petitioner. If petitioner has any grievance on the alleged disciplinary action or transfer, it is open to him to make an application before the District Panchayat Officer ventilating his grievances.

5. Subject to above observations, writ petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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