

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.29446 OF 2018

Date: 21.08.2018

Between:

A.Chandra Shekhar, s/o. Bala Swamy, Aged about 42 years,
Occu: Lab Technican Grade-II, P.P.Unit, Wanaparthi,
Wanaparthi Mandal, Mahabubnagar district, r/o.H.No.
110-156, Ram Nagar, Nagarkurnool, Mahabubnagar
District, Telangana State.

.....Petitioner

and

The State of Telangana, rep.by its Principal Secretary to
Government, Health, Medical and Family Welfare Dept.,
Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner is presently working as Lab Technician Grade-II, P.P. Unit, Wanaparthi in Mahabubnagar district. This writ petition is filed praying to declare the action of respondents in not considering the case of petitioner for transfer from the present working place to any clear vacancy in Ranga Reddy district on medical grounds of his father, who is diabetic patient, and further to declare the action of respondents in not including the contract employees in the list of employees liable for transfer, thereby depriving the petitioner the opportunity to be part of transfer counselling process and seeks direction for further transfer counseling in future by including the contract employees in the total cadre strength.

2. Admittedly, petitioner is regular employee. Consequent to the lifting of ban on transfer, transfer counseling exercise was undertaken. In G.O.Ms.No.61 Finance (HRM.I) Department, dated 24.05.2018, Government formulated guidelines to undertake the exercise of transfers. The guidelines provide for consideration of request on health grounds. However, guidelines also imposed restriction of consideration to maximum percentage i.e., 40%. According to learned counsel for petitioner, petitioner was not fitting into 40% by counting the employees actually working in the cadre. If only the contract employees already working are included and/or the entire cadre strength is included, petitioner could have come within 40% ceiling limit and an opportunity to participate in the transfer counseling.

3. If what is stated by the learned counsel for petitioner is correct, nothing prevented petitioner in availing appropriate remedy when transfer counseling process was in progress. As of now, entire transfer counseling exercise is completed and Government re-imposed ban on transfers. Thus, at this stage, the issue whether and in what manner 40% ceiling is determined by the respondent Department cannot be gone into. Further petitioner cannot seek to agitate non-inclusion of contract employees in the list of employees liable for transfer. The contract employees are not the regular employees. Therefore, they cannot be extended all the benefits as available to the regular employees. As a regular employee, petitioner cannot seek to espouse their cause in the writ petition concerning his claim for transfer.

4. Having regard to the facts noted above, the prayer sought in the writ petition cannot be granted. Writ petition is dismissed in limini. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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