

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.36358 OF 2018

Dated:10.10.2018

Between:

Smt.B.Rajani, W/o.Dr.K.Srinivas,
Aged about: 43 years,
Assistant Director of Agriculture (FTC),
Adilabad, Adilabad District.

... Petitioner

And

The Commissioner and Director of Agriculture,
Opp: L.B. Stadium,
Hyderabad and others.

... Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.36358 OF 2018****ORDER:**

Petitioner was working as Agriculture Officer in the office of Joint Director of Agriculture, Soil Conservator at Hyderabad, in the year 2009. She joined in her Post Graduation course in Agricultural University in August, 2016. While she was prosecuting her post-graduation course, as per her turn, she was granted promotion to the post of Assistant Director of Agriculture.

2. Consequent to lifting of ban on transfers, transfer counselling exercise was undertaken and transfers are made in all the departments of State Government. Similar to the petitioner, the 3rd respondent was also promoted as Assistant Director. Initially, on promotion, the 3rd respondent was posted to Adilabad, however, on the same day, said posting was cancelled and 3rd respondent was posted as Assistant Director of Agriculture in the office of the Commissioner and Director of Agriculture. The said order of transfer is under challenge in the instant writ petition.

3. According to the learned counsel for the petitioner, as spouse of the petitioner is working in IICT in Hyderabad, which is a non-transferable post, petitioner ought to have been retained. Learned counsel would further submit that it

is illegal to consider the request of the 3rd respondent for retention, ignoring the request of the petitioner as petitioner is senior to 3rd respondent.

4. Learned counsel, Sri Giridhar Rao, appearing for 3rd respondent would submit that 3rd respondent was earlier working in Jagtial District and was only recently brought to Hyderabad on deputation and while working on deputation, he was granted promotion. Since his spouse is working as Scientist in Agricultural University, Rajendranagar, he requested for retention. On due consideration of his request, the 3rd respondent is posted to the office of the Commissioner and Director of Agriculture. Learned counsel for 3rd respondent would submit that for the first time 3rd respondent is posted recently by considering his request on spouse grounds, whereas the petitioner was working in Hyderabad from the year 2009 till recently. Learned counsel would submit that though the petitioner was transferred and posted on promotion as Assistant Director of Agriculture in Adilabad, she did not join there and on completion of her course of study, on her request, the petitioner is posted in Greater Hyderabad Municipal Corporation, Hyderabad, as Project Officer.

5. Since the petitioner's request for considering and posting in Hyderabad is already granted and the petitioner is working in Hyderabad, the substantive grievance of the

petitioner that her transfer to Adilabad is causing family disharmony as her husband is working in Hyderabad no more survives. Further, the 3rd respondent is also retained on spouse ground. Admittedly, the 3rd respondent was posted recently to Hyderabad, whereas since 2009 he was working in Jagtial. Therefore, the transfer of 3rd respondent cannot be held as illegal. Further more, the transfer counselling exercise was undertaken and proceedings were issued in June, 2018. For a limited period, ban on transfer was lifted and later, re-imposed and now, there is ban on general transfers. It is apparent to note that by the time proceedings were taken up and 3rd respondent was posted, petitioner was actually on training. In addition, as the General Elections for the State Assembly are notified and election code is in operation except for election purposes, transfers cannot be made. In view of the above, the relief as sought for cannot be granted.

6. Accordingly, the writ petition is dismissed. Miscellaneous petitions pending consideration, if any, in this case shall stand closed as consequence. There shall be no order as to costs.

10.10.2018
SS

P.NAVEEN RAO, J

THE HON'BLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.36358 OF 2018

10TH OCTOBER, 2018

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