

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.40431 of 2018

ORDER :

This writ petition is filed seeking a Writ of Mandamus declaring the entire action of respondents in issuing the impugned transfer order proceedings dated 01.11.2018, transferring the services of petitioner from the present place of working within a span of 1½ months period from earlier transfer, as arbitrary, illegal, unjust, improper and *mala fide* and sought a consequential direction to the respondents to retain and continue the petitioner as Associate Professor at P.V.Narasimha Rao Telangana Veterinary University with all consequential benefits.

Heard Sri S.Satyanarayana Rao, learned counsel for petitioner and Sri Aka Venkataramana, learned Standing Counsel for the respondent-University.

It has been contended by the petitioner that he was initially appointed as a Scientist on 08.11.2004 and he was designated as Associate Professor on 23.04.2016. It was further submitted by the petitioner that he was transferred from Rajendranagar to Veterinary Science College at Korutla, Jagityal District vide proceedings dated 22.03.2016. The petitioner, however, submits that after rendering service of nearly 1½ years, again, he was transferred to Krushi Vignana Kendra, Mamnoor, Warangal District vide proceedings dated 11.05.2018. The petitioner further submits that while he was working at Mamnoor, a junior colleague of the petitioner had been harassing the petitioner and filed false complaints against the petitioner and the respondent-University had inquired into the allegations leveled by the Junior lady

officer against the petitioner by constituting a Committee. The Committee had elaborately examined the allegations leveled against the petitioner and gave clean chit that petitioner is not at fault. However, the petitioner was transferred from Mamnoor to Rajendranagar vide proceedings dated 14.09.2018 and the petitioner was allowed to work at Rajendranagar, and within one and half months, the respondents have once again transferred the petitioner vide proceedings dated 01.11.2018 to Korutla of Jagityal District. Challenging the same, the present writ petition is filed.

Learned counsel for petitioner contend that there are three clear existing vacancies of Associate Professor at Rajendranagar. The respondents, instead of keeping the petitioner at Rajendranagar, have malafidely and intentionally transferred him to a far off place of Korutla of Jagityal District. Learned counsel for petitioner contend that the petitioner has submitted a representation requesting to retain him at Rajendranagar on account of his spouse working at Hyderabad and also his mother is aged and his children are studying at Hyderabad and contend that the impugned transfer orders dated 01.11.2018 transferring the petitioner from Rajendranagar to Korutla of Jagityal District be set aside with all consequential benefits.

The learned Standing Counsel appearing for respondent had contended that as there was a clear vacancy of Associate Professor, on re-designating the petitioner as Associate Professor, the petitioner was initially posted at Korutla of Jagityal District in 2016 and on administrative grounds, petitioner was transferred to Mamnoor on

11.05.2018. While the petitioner was discharging his duties, a junior colleague of the petitioner had given certain complaints and there was always unrest between the petitioner and his junior colleague, which resulted in ugly situation and embarrassment to the respondent-University. In order to ascertain the truth, the respondent-University has constituted a Committee to examine the allegations and counter allegations made against the petitioner as well as his junior colleague. The Committee, however, gave a clean chit to the petitioner. In order to maintain peace at Mamnoor, the respondent-University has transferred the petitioner to Rajendranagar on 14.09.2018 and as a manship arrangement, the petitioner was continued for one and half months at Rajendranagar and as there was clear vacancy at Korutla, the respondent-University has transferred the petitioner to Korutla by way of impugned order. It is contended that transfer is an incidence of service. Only on exigency of service, petitioner was transferred to Korutla, where, his services are more required for better administration. Therefore, no illegality is committed by the respondent-University and there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the parties, is of the considered view that in the counter affidavit at para 8, it has been admitted by the respondents that the case of petitioner for retention at Rajendranagar, Hyderabad is under consideration. Since the respondents themselves have admitted that the case of the petitioner is under consideration for his retention at Rajendranagar, Hyderabad, therefore, this Court is of the considered view that ends of justice would

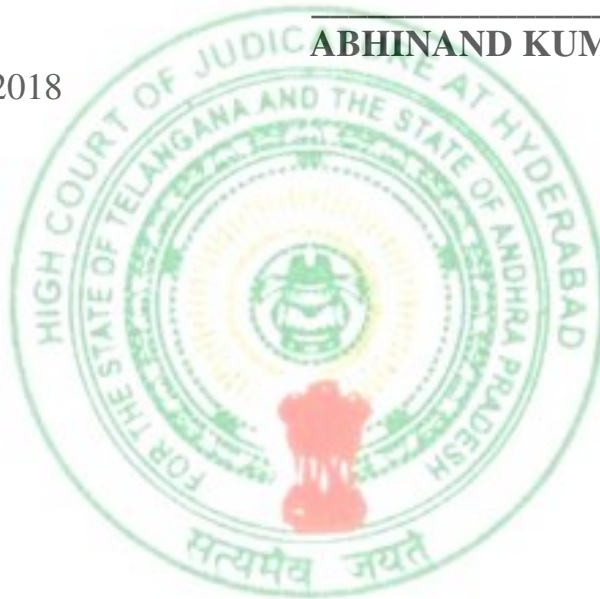
be met if the respondents are directed to consider the case of the petitioner for retaining him at Rajendranagar, Hyderabad and pass appropriate orders within four weeks from the date of receipt of a copy of this order. However, it is made clear that this Court is not inclined to interfere with the transfer orders dated 01.11.2018.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

6th December, 2018

ajr



ABHINAND KUMAR SHAVILI, J