

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.42027 OF 2018

ORDER

(Per Sri Justice Sanjay Kumar)

M.Thimmanaidu, the petitioner, is the fifth respondent in O.A.No.1139 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. The said O.A. was filed by B.Prasanna Lakshmi, the first respondent herein, assailing G.O.Rt.No.740, Revenue (Endowments-I) Department, dated 04.06.2018, whereby she was transferred from the post of Executive Officer Grade-I, Sri Maddilety Narasimha Swamy Temple, R.S.Rangapuram Village, Bethamcherla Mandal, Kurnool District, and M.Thimmanaidu was posted in her place. She sought a consequential direction to retain her at Sri Maddilety Narasimha Swamy Temple at R.S.Rangapuram Village. By order dated 06.11.2018, the Tribunal allowed the O.A. and quashed G.O.Rt.No.740 dated 04.06.2018. The State of Andhra Pradesh was directed to post B.Prasanna Lakshmi at Sri Maddilety Narasimha Swamy Temple, R.S.Rangapuram Village, within a time frame. M.Thimmanaidu was directed to be transferred to any other place. Aggrieved by the interference by the Tribunal as set out *supra*, M.Thimmanaidu filed this writ petition.

Heard Sri V.Ravichandran, learned counsel for M.Thimmanaidu, learned Government Pleader for Services, State of Andhra Pradesh, for the official respondents and Sri Lakkadi Dayaker Reddy, learned counsel on caveat for B.Prasanna Lakshmi.

G.O.Ms.No.54, Finance (HR.I-PLG. & Policy) Department, dated 02.05.2018 was issued by the Government of Andhra Pradesh relaxing the existing ban on transfer of employees from 05.05.2018 to 04.06.2018 to

ensure right placement of employees to secure optimum productivity and commitment to furtherance of the Government's development objectives. Transfers were to be effected only on the grounds mentioned in this G.O. The subject G.O.Rt.No.740 dated 04.06.2018 was issued by the Government, placing reliance on G.O.Ms.No.54 dated 02.05.2018. However, the grounds mentioned in G.O.Ms.No.54 dated 02.05.2018 had no application at all to G.O.Rt.No.740 dated 04.06.2018. Neither were the transfers of B.Prasanna Lakshmi and M.Thimmanaidu on mutual grounds or on request, as postulated thereunder. Even if M.Thimmanaidu had made any such request, such a request transfer could be considered only if the conditions mentioned in para 3(C) of G.O.Ms.No.54 dated 02.05.2018 were satisfied. However, as already pointed out *supra*, G.O.Rt.No.740 dated 04.06.2018 does not even cite any grounds relatable to G.O.Ms.No.54 dated 02.05.2018 as justification for the transfers effected thereunder.

The Tribunal, taking note of the references in G.O.Rt.No.740 dated 04.06.2018, called for the documents mentioned thereunder. Having perused the same, the Tribunal noted that one K.E.Pratap, who was the In-charge of the Telugu Desam Party in Dhone constituency, addressed letter dated 03.04.2018 to the Minister for Revenue and Endowments, stating that M.Thimmanaidu, a person of integrity, was well known for his hardworking capacity and was suitable to be posted at Sri Maddilety Narasimha Swamy Temple, R.S.Rangapuram Village. He therefore requested the Minister to transfer M.Thimmanaidu to the said temple. On this recommendation letter, the Officer on Special Duty in the office of the Deputy Chief Minister made an endorsement, requiring the Special Chief Secretary for Revenue and Endowments to examine the matter. The

Officer on Special Duty in the office of the Deputy Chief Minister thereafter informed the Special Chief Secretary, Revenue and Endowments, that the Deputy Chief Minister desired that the file relating to the transfer of M.Thimmanaidu be circulated. It was in these circumstances that G.O.Rt.No.740 dated 04.06.2018 came to be issued.

The Tribunal rightly drew the conclusion that the subject transfers were based purely on the interference of K.E.Pratap, who was not a People's Representative and was not even holding any position in the Government. The Tribunal opined that the Government ought not to have acted upon his recommendation in favour of M.Thimmanaidu. All the more so, as no administrative reasons were cited justifying such a transfer. It is on this basis that the Tribunal allowed the O.A. and issued directions.

Sri V.Ravichandran, learned counsel, would however contend that B.Prasanna Lakshmi herself submitted representation dated 12.06.2018 to the Commissioner of Endowments, Andhra Pradesh, seeking retention at Sri Undabanda Veerabhadra Swamy Temple, Palthuru Village, Anantapuramu District, to which she was transferred under G.O.Rt.No.740 dated 04.06.2018. According to the learned counsel, as she herself sought retention at the transferred location, the Tribunal ought not to have interfered in the matter.

However, this Court is not persuaded to agree with the learned counsel.

Be it noted that B.Prasanna Lakshmi entered appearance through learned counsel on caveat clearly demonstrating that she wanted to have the benefit of the order dated 06.11.2018 passed by the Tribunal in O.A.No.1139 of 2018. Further, this Court cannot be blind to the fact that interference of politicians in administrative matters, if allowed to go

unchecked, would lead to chaos apart from adversely affecting the efficiency of the administration.

It is no doubt true that in MOHD. MASOOD AHMED V/ s. STATE OF UTTAR PRADESH¹, the Supreme Court held that a transfer made on the recommendation of a MLA could not be said to be bad in law as a local MLA was justified in putting forth the complaints made by the people against the officer whose transfer was sought. It was in these circumstances that the Supreme Court observed that there could be no hard and fast rule that every transfer at the instance of a MP or MLA would be vitiated and it would all depend on the facts and circumstances of the individual case. It is however relevant to note that K.E.Pratap is not even a People's Representative. He claims to be the In-charge of a political party in Dhone constituency. He was therefore not voicing any complaint on behalf of the people when he asked for the transfer of M.Thimmanaidu to Sri Maddilety Narasimha Swamy Temple.

Be it viewed from any angle, this Court finds that interference in the matter by the Tribunal was fully justified on facts and in law.

The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

10th DECEMBER, 2018

PGS

¹ (2007) 8 SCC 150