

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5512 OF 2019

ORDER:

This writ petition is being disposed of with the consent of both the parties.

This writ petition is filed for the following relief:

“.....Writ of Mandamus calling for records pertaining to proceedings dated 21-2-2019 and set aside the said proceedings to the extent of posting the petitioner to Makthal, Mahaboobnagar District which is 160 kms away from Hyderabad and consequently direct the respondents to post him back as requested at L.B.Nagar in alternate in any of the places closer to the place nearer to twin cities by holding the action of the respondents in not taking note of the medical condition of the petitioner despite his representation/appeal and despite direction of this Court in W.P.No.37558/2018 and posting him to Makthal, Mahaboobnagar District, as illegal, arbitrary.....”

Heard Sri J.Sudheer, learned counsel for the petitioner and learned Government Pleader for Services -II.

It has been contended by the petitioner that he was initially appointed as typist in the year 2002 and after subsequent promotions, presently he is working as Sub-Registrar Grade-I with the respondents. During 2017, while the petitioner was working at Zaheerabad, he suffered with heart problem and got implanted stents in his heart. In view of his health condition, petitioner made a representation to the Government requesting for transfer and the Government considering his case transferred him to L.B.Nagar, Ranga Reddy District vide proceedings dated 31.05.2017. Ever since the petitioner is working to the best satisfaction of the authorities concerned. Petitioner further contends that on

06.10.2018, he was placed under suspension on certain irregularities and thereafter disciplinary proceedings were initiated issuing a charge memo. Challenging the said suspension orders, petitioner filed W.P.No.37558 of 2018 and this Court vide order dated 12.10.2018 disposed of the writ petition directing the petitioner to prefer an appeal and with a further direction to respondents to dispose of the said appeal within six weeks thereafter. As per the direction of this Court, though petitioner preferred an appeal, the same was not disposed of by the respondents. The petitioner further contends that disciplinary authority had appointed an Enquiry Officer and after regular disciplinary enquiry, petitioner was furnished with Enquiry Officer's report to which petitioner submitted his objections. After regular enquiry was concluded, the respondents have revoked the suspension orders on 21.02.2018 and posted the petitioner to a far off place at Makthal, Mahboobnagar District instead of retaining him in and around twin cities of Hyderabad and Secunderabad. Challenging the said action of the respondents in revoking the suspension orders, only to the extent of giving posting to the petitioner at a far off place, the present writ petition is filed.

Learned counsel for the petitioner contends that during August 2017, the case of the petitioner was considered on health grounds, and he was given posting at L.B.Nagar, Ranga Reddy District which is nearer to twin cities. Thereafter, revoking the suspension order dated 06.10.2018, petitioner was posted to a far off place at Makthal, Mahboobnagar District. He further contends that challenging the said action of the respondents, petitioner has preferred an appeal on 26.02.2019 and the same is pending.

Therefore, he contends that appropriate orders be passed in the writ petition directing the 1st respondent to consider the appeal preferred by the petitioner on 26.02.2019 and pass appropriate orders in accordance with law, with a further direction to the 1st respondent to post the petitioner to a place near to twin cities of Hyderabad and Secunderabad by taking into account the health condition of the petitioner.

Learned Government Pleader appearing for respondents contends that disciplinary proceedings were initiated against the petitioner and after regular enquiry, the respondents have revoked the suspension orders on 21.02.2018 and the petitioner was given posting at Makthal. He further contends that petitioner cannot seek a direction to post him in a particular station and it is for the respondents to post the petitioner at a particular place. Since grave allegations are levelled against the petitioner in the disciplinary proceedings, the petitioner was posted to a far off place and no injustice has been caused to the petitioner and there are no merits in the writ petition and it is liable to be dismissed. Learned Government Pleader further contends that since the appeal preferred by the petitioner is pending before the 1st respondent, the 1st respondent would pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of both the parties, is of the considered view that since the appeal preferred by the petitioner on 26.02.2019 against posting him to a far off place is pending before the 1st respondent, the 1st respondent is directed to pass appropriate orders in the said appeal within a period of four weeks from the date of receipt of

copy of this order by duly taking into account the health condition of the petitioner.

With the above observations, Writ Petition is disposed of. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 18.03.2019

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