

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.11149 OF 2019

ORDER:

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

This writ petition is filed seeking to call for the records pertaining to the impugned transfer orders dated 23.04.2019 issued by the 3<sup>rd</sup> respondent and the consequential proceedings dated 23.04.2019 issued by the 5<sup>th</sup> respondent in so far as the petitioner is concerned and then set aside the same holding them as arbitrary, illegal, discriminatory and unconstitutional and sought a consequential direction to the respondents to retain and continue the petitioner in SLRDC, HAL, Hyderabad and to treat the petitioner on par with her colleagues with all consequential benefits.

Heard Sri J. Sudheer, learned counsel for the petitioner, and Smt. V. Uma Devi, learned Standing Counsel for the respondents.

It has been contended by the petitioner that she was initially appointed as Design Trainee with the respondents and, after rendering considerable length of service, she was promoted as Deputy Manager and has been discharging her duties as such. The petitioner further submits that her husband was employed with the respondents and he was a whistle blower in respect of certain irregularities said to have been committed by the officials of the respondents and the entire trouble started for the petitioner as well as her husband and the respondents have initiated disciplinary proceedings against the husband of the petitioner and finally he was terminated from service. Challenging the said termination order, the husband of the petitioner already filed a writ petition and the same is pending before this Court and thereafter the respondents have started

harassing the petitioner also and initiated disciplinary proceedings against the petitioner way back in 2016 and minor penalties were also imposed against the petitioner. It is also contended that having not satisfied with imposition of minor penalties against the petitioner, the respondents started harassing the petitioner and recommended the case of the petitioner for transfer to a far off place at Korwa, Utter Pradesh and the 3<sup>rd</sup> respondent had issued impugned transfer orders on 23.04.2019 transferring the petitioner from Hyderabad to Korwa, Utter Pradesh and the 5<sup>th</sup> respondent had issued consequential proceedings relieving the petitioner from the present place of working.

The petitioner further submits that she has two children, who are studying at Hyderabad, and father-in-law, who is suffering from pancreatic cancer, and without considering these aspects, the respondents have issued the impugned transfer orders. The petitioner further contended that the impugned transfer orders are contrary to the transfer guidelines issued by the respondents and the petitioner alone has been picked and chosen from Grade-III Officers for transfer and none of Grade-III Officers were transferred from Hyderabad and, on that count, counsel for the petitioner contends that the impugned transfer orders are punitive in nature and contrary to the transfer guidelines. Therefore, counsel for the petitioner contended that appropriate orders be passed in the writ petition by setting aside the impugned transfer orders dated 23.04.2019.

Learned Standing Counsel for the respondents had denied that the impugned transfer orders are punitive in nature and they have been issued only to harass the petitioner and, as far as the transfer policy is concerned, on administrative grounds the petitioner was transferred from Hyderabad to Korwa in Utter Pradesh and no malafides can be attributed in the

impugned transfer orders. Standing Counsel further submits that transfer is a part of service conditions and there are no merits in the writ petition and therefore, the writ petition is liable to be dismissed.

Admittedly, in the instant case, the petitioner's father-in-law is suffering from pancreatic cancer. In view of the problems being faced by the petitioner and as the petitioner is challenging the transfer orders on the health grounds of her father-in-law, which is one of the grounds for consideration while making transfers, this Court is of the considered view that ends of justice would be met if the writ petition is disposed of directing the petitioner to make a detailed representation to the respondents within a period of one week from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider the same and pass a speaking order as to retaining the petitioner at Hyderabad or to transfer her to Korwa, Utter Pradesh, and till such time, the respondents shall not insist the petitioner to join at the transferred place i.e., Korwa, Utter Pradesh.

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

Pending miscellaneous petitions, if any, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

Dated: 10<sup>th</sup> June, 2019  
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