

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12774 of 2019

ORDER:

With the consent of both the parties, this Writ Petition is disposed of at the admission stage.

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus, declaring the action of 2nd respondent in transferring the petitioner vide Proceeding No.A1/1168/201 dt.17.06.2019 and without considering the representation of President of Telangana Non-Gazetted Officer's Union, Ranga Reddy District Brach dt.18.06.2019 for retaining the petitioner from present place of work in 2nd respondent office is against the principles of natural justice and violation of Telangana Subordinate Service Rules and consequently direct the 2nd respondent to retain the petitioner from present place of work by considering the representation of President of Telangana Non-Gazetted Officer's Union, Ranga Reddy District Brach dt.18.06.2019 forthwith.....”

Heard Sri Ravi Shanker Jandhyala, learned counsel for the petitioner and the learned Government Pleader for Labour.

It has been contended by the petitioner that he is working as a Senior Assistant in the office of District Collectorate and also elected as Vice President of Telangana Non-Gazetted Officer's Union (for short 'TNGO'), which is a recognized Union, in the elections held during 2018. As per the Government orders and Circular Memo dated 30.06.2012, Office Bearers of recognized Unions are exempted from

transfer for a period of six years and the State Government had adopted such a policy in order not to cause any hindrance to the affairs of the Union by virtue of such transfers.

Learned counsel for the petitioner contends that the petitioner is on the verge of retirement and he is an elected Office Bearer of a recognized Union, therefore, in all fairness, the respondents ought not have effected the transfer of the petitioner to Hayathnagar Mandal vide proceedings dated 17.06.2019. He further submits that the competent authority can effect transfers on administrative grounds even in respect of an Office Bearer, before expiry of six years period, however after recording reasons. In the instant case, the competent authority had not assigned any reasons, except stating that the petitioner was transferred to Hayathnagar Mandal on administrative grounds. Therefore, the impugned order is hit by Circular Memo dated 30.06.2012 and also the policy of the State Government. Therefore, the learned counsel for the petitioner contends that appropriate orders be passed in the writ petition by setting aside the impugned proceedings dated 17.06.2019 and further direct the respondents to continue the petitioner at the office of the District Collectorate in terms of the policy of the State Government, as the petitioner is an elected Vice President of TNGO Union.

Learned Government Pleader appearing for the respondents contends that the petitioner has been transferred

from the office of the District Collectorate to Hayathnagar Mandal, which comes within the limits of GHMC and no prejudice will be caused to the petitioner to undertake the activities of the Union by virtue of said transfer. Therefore, 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 learned counsel on either side, is of the considered view that admittedly, the impugned order dated 17.06.2019 is issued without assigning any reasons, except stating that on administrative grounds, the petitioner has been transferred to Hayathnagar Mandal. Therefore, ends of justice would be met if the petitioner is permitted to submit a representation to the respondents within two days from today requesting them for retention at the office of the District Collectorate in terms of Circular Memo dated 30.06.2012. Upon such representation being made by the petitioner, the respondents shall consider the same and pass appropriate orders in accordance with law within one week thereafter.

With the above observations, the Writ Petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

27.06.2019
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