

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.23863 OF 2018

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

This Writ Petition is filed seeking a writ of mandamus declaring the action of the respondents in transferring the petitioner from Primary Health Centre, Chandurthi, Karimnagar, to the office of the Dy.DM & HO, Sattupally, Khammam District, contrary to his option and also contrary to the guidelines, as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and sought a consequential direction to the respondents to consider the petitioner's case for transferring strictly as per his option and guidelines, by rectifying the discrepancy in showing the date of birth of the fifth respondent, which was shown incorrectly as 02.10.1964 instead of 10.02.1964 for excluding him from the list of persons to be transferred with all service and monetary benefits.

Counsel for the petitioner contends that though there are existing vacancies and the petitioner has submitted representation to the respondents on 26.10.2019 requesting them to consider his case for posting him in any of the existing vacancies, the respondents have not passed any orders on the representation nor considered his case and hence, prays to direct the respondents to consider the petitioner's representation dated 26.10.2019 and appropriate orders be passed in accordance with law.

Sri P. Amarender, learned counsel for the petitioner, submitted that this Writ Petition can be disposed of in terms of the order dated 28.10.2019 in W.P.No.20725 of 2018.

Learned Government Pleader appearing for the respondents has contended that since the petitioner's representation is pending with the respondents, it would be considered in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the respondents to consider the representation submitted by the petitioner on 26.10.2019 and also to consider his case for posting in appropriate place in the existing vacancies by giving the benefit of earlier service rendered by him and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

12th November 2019
RRB