

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.32875 OF 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondent No.2 in issuing the transfer order in favour of 4th respondent by issuing proceedings No.A-II(2)/505/2018, dated 06.09.2018 by posting him as Mandal Agriculture Officer, Choutuppall, Yadadri District, in the place opted by the petitioner, as illegal, arbitrary and sought for a consequential direction to set aside the same by considering the case of the petitioner to the post of Mandal Agriculture Officer, Chout Uppal, Yadadri District.

It is the case of the petitioner that she has been working as Agriculture Officer at Munugodu Mandal for the last 9½ years and in the transfer counselling held on 09.07.2018 and 10.07.2018, she has opted for 5 places and the case of the petitioner was considered against the 5th place of option and she was given posting orders to Bibinagar vide orders dated 06.09.2018. The grievance of the petitioner is that as per the transfer rules issued in G.O.Ms.No.61, dated 24.05.2018, the persons who have put in long years of service at their respective places should be first considered in the transfer counselling and as per the guidelines contained in G.O.Ms.No.61, dated 24.05.2018, petitioner is placed at Sl.No.10 in the list of eligible candidates to be transferred. The petitioner has given first preference of posting at Hayathnagar, followed by Choutuppall Ghatkesar, Bhongir and the last place of preference opted by the petitioner is Bibinagar. However, instead of considering the case of the petitioner in the sequence of places preferred i.e., Hayathnagar,

Chout Uppal, Ghatkesar, Bhongiri and Bibinagar respondent No.2 had considered the case of the petitioner for posting her in the 5th preferred place i.e., at Bibinagar. The petitioner further contends that respondent No.4, who is placed at Sl.No.48 as per the seniority list, was given posting at Choutuppal, while ignoring the case of the petitioner to post her in the said place, which is her 2nd place of option. Challenging the same, the present writ petition is filed.

Heard Sri J. Kanakaiah, learned counsel for the petitioner, learned Government Pleader for Services-III and Sri A. Giridhar Rao, learned counsel for respondent No.4.

Learned counsel for the petitioner contends that respondent No.4 was considered for posting at Choutuppal only as per his request on the ground that he happens to be an Office Bearer of an Association. He further contends that in the transfer counselling held on 09.07.2018 and 10.07.2018, the first three places preferred by the petitioner were blocked and in the remaining two places, petitioner has opted for Mandal Agriculture Officer, Bibinagar, which action of the official respondents in blocking the posts notified in the counselling is illegal and arbitrary and the respondents cannot overlook the seniority of the eligible candidates and consider the case of respondent No.4, who is far junior to the petitioner, in terms of preferences opted and also in terms of G.O.Ms.No.61, dated 24.05.2018. The learned counsel, therefore, contends that the transfer orders issued in favour of respondent No.4 be set aside and the case of the petitioner be considered for posting at Choutuppal in terms of the preferences exercised by the petitioner and pass appropriate orders in the writ petition.

On the other hand, the learned Government Pleader for respondents contends that respondent No.4 is elected as Office

Bearer of an Association and as per the letter addressed by the Telangana Agricultural Officers Association dated 06.07.2018, the benefit of Circular Memo dated 26.06.2012 is to be extended in favour of elected Office Bearers of the Association and the respondents have blocked 17 posts in favour of elected Members of the Association and as a consequence, the case of respondent No.4 was considered at Choutuppal. Learned Government Pleader contends that when the vacant post at Choutuppal was blocked, the question of petitioner exercising the option in a blocked post does not arise. Since the case of the petitioner was considered against the vacant post at Bibinagar and as Bibinagar was one of the preferred places by the petitioner, the respondents have accordingly considered the case of the petitioner and she was given posting at Bibinagar. Learned Government Pleader further contends that transfer is an incidence of service and until and unless any malafides are attributed, this Court normally would not interfere with such transfer orders. Hence, there are no merits in the writ petition and the same is liable to be dismissed.

Learned counsel appearing for respondent No.4 contends that since respondent No.4 is an elected Member of Telangana Agricultural Officers Association, his case was considered in terms of the Circular Memo dated 26.06.2012 and posting orders were given to respondent No.4 at Choutuppal as per his request. He further contends that respondent No.4 has joined in the transferred place on 04.10.2018 and since then he is discharging his duties at the said place.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered

view that the case of the petitioner was considered for posting in one of the places preferred by her, while considering the case of respondent No.4 at Choutuppal, as respondent No.4 is an elected Member of an Association, in terms of the Circular Memo dated 26.06.2012. Therefore, this Court is not inclined to interfere with the impugned transfer orders issued by respondent No.2, as transfer is an incidence of service and more so, when the case of the petitioner was considered for posting at one of the places preferred by her in the transfer counselling.

There are no merits in the writ petition and the same is accordingly dismissed. There shall be no order as to costs.

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

ABHINAND KUMAR SHAVILI,J

Date: 07.03.2019
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