

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.34922 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of respondent No.1 in issuing the impugned Memo dated 06.09.2018 transferring the petitioner as Agriculture Officer in the office of Deputy Director of Agriculture (RSTL), Rajendranagar, Ranga Reddy District by posting respondent No.3 in her place, as arbitrary, illegal and contrary to the Rules and violative of Rules framed facilitating the office bearers to enjoy the privilege of retention at a place for 6 years.

Heard Sri M.Vidyasagar, counsel for petitioner, Government Pleader for Services, appearing for respondents 1 and 2 and Sri A.Giridhar Rao, counsel appearing for respondent No.3.

It has been contended by the petitioner that she is working as Agriculture Officer at Chowtuppal and she got elected as an office bearer of Telangana Agriculture Officers' Association, during 2016. The petitioner further contends that the State Government, as a policy, vide Circular Memo dated 26.06.2012, had taken a decision to retain the office bearers of recognized Service Associations in their respective places for 3 terms for those having 2 years as term of office and for 2 terms for those having 3 years as term of office. Since the petitioner has not completed 6 years of service at Chowtuppal, she is eligible to be continued at Chowtuppal for another 4 years as she

has completed only 2 years of service, but the respondents, without appreciating the same, had passed the impugned transfer orders dated 06.09.2018, transferring the petitioner from Chowtuppal to Rajendranagar. Challenging the same, the present writ petition is filed.

Counsel for petitioner contends that as per the Circular Memo dated 26.06.2012, the petitioner is entitled to be continued at the same place for 6 years and the State Government has also reiterated the same in G.O.Ms.No.61, dated 24.05.2018 while lifting the ban on transfers. The learned counsel further contends that when the petitioner is elected as an Office Bearer of Telangana Agriculture Officers' Association, the respondents ought not to have transferred her from Chowtuppal contrary to the Circular, dated 26.06.2012 and contend that appropriate orders be passed in the writ petition directing the respondents to continue the petitioner at Chowtuppal by setting aside the impugned transfer orders.

The learned Government Pleader appearing for respondent Nos.1 and 2 has submitted that in the transfer counseling which was conducted in pursuance of G.O.Ms.No.61, dated 24.05.2018, the case of the petitioner was considered and she was transferred to Jadcharla. Even before transfer orders were issued to the petitioner posting her at Jadcharla in the transfer counseling, petitioner had requested to consider her case for transfer in the office of Assistant Director of

Agriculture, Seed Testing Lab, Rajendranagar, and the request of the petitioner was considered and she was given posting orders at the office of Deputy Director of Agriculture, Rajendranagar. When the petitioner has requested for posting at Rajendranagar and her case was considered and she was given posting orders vide the impugned orders, dated 06.09.2018, and thereafter, she cannot turn around and contend that she should be retained at Chowtuppall in terms of Circular Memo, dated 26.06.2012. The learned Government Pleader contends that there are no merits in the writ petition and the same is liable to be dismissed.

Counsel appearing for respondent No.3 submits that as the petitioner has requested for posting at Rajendranagar, the respondents have issued posting orders vide impugned Memo dated 06.09.2018 and the contention of the petitioner that she should be retained at Chowtuppall in terms of Circular dated 26.06.2012 cannot be considered in view of the request made by the petitioner herself. There are no merits in the writ petition and it is liable to be dismissed.

This Court, having considered the rival submissions made by the parties, is of the considered view that the petitioner has requested for posting at Rajendranagar when she was transferred to Jadcharla in the transfer counseling, and only at the request of the petitioner, she was transferred to Rajendranagar. After being transferred by the impugned transfer orders, the petitioner cannot turn around and

contend that she be retained at Chowtuppal in terms of circular dated 26.06.2012.

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

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

13th March 2019

ajr

