

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.38825 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“to issue an appropriate Writ, Order, or direction preferably one in the nature of Writ of Mandamus and to declare the impugned proceedings in C.No.863/A1-Elec/IGP-NZ/2018, Z.O.O.No.423/2018, dated 17.10.2018 of the 2nd respondent by transferring the petitioner by applying the instructions in Para-5 of the Memo No.2542/Eelcs.A1/2018-1, dated 08.10.2018 of the 5th respondent, without any application of mind and the said impugned orders is highly illegal, arbitrary, discriminatory and also in violation of Art 14, 16 and 21 of the Constitution of India and declare the same as bad-in-law and set aside the same and consequently direct the respondents to retain the petitioner in the same place i.e., P.S Bellampally (I-Town), Mancherial, Mancherial District and to pass such other order or orders as this Hon'ble Court deems fit, just and proper in the circumstances of the case.”

Heard learned counsel on either side.

Learned counsel appearing for the petitioner submits that the impugned transfer orders were passed at the instance of the Election Commissioner; that now the elections are over and the petitioner should be restored at Bellampally as he was transferred to that place only five months prior to issuance of transfer orders; that the petitioner submitted a representation to the Director General of Police on 9.11.2018 requesting to re-transfer him to Bellampally from VR Ramagundam; that

the Director General of Police neither passed any orders on the said representation nor posted him at Bellampally.

Learned Government Pleader appearing for the respondents submits that another person was already posted at Bellampally and hence, the question of considering the case of the petitioner does not arise.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the petitioner to submit a representation afresh to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same along with the representation submitted on 9.11.2018 to the Director General of Police and pass appropriate orders, in accordance with law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

8th March, 2019
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