

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.28506 OF 2019

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the impugned proceedings dated 26.10.2019 and its consequential memo dated 18.11.2019 issued by the 1st respondent as illegal, arbitrary and void and sought a consequential direction to direct the respondents to transfer and post the petitioner as Senior Assistant in any one of the existing vacancy at Jaipur Mandal or Bheemaram Mandal or Cheenuru Mandal or Manchiryal Mandal, except Bheemini Mandal, where the very same respondents did not permit the petitioner to join duty, by holding the action of the respondents in not posting the petitioner in any one of the existing vacancy at Jaipur or Bheemaram or Cheenuru or Mahchiryal etc., by considering the petitioner's fresh representation dated 20.11.2019 as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

Heard Ch. Jagannatha Rao, counsel for the petitioner, and Government Pleader for Services-II appearing for the respondents.

It has been contended by the petitioner that earlier the petitioner was posted to Bheemini Mandal *vide* proceedings dated 19.04.2018 and the petitioner could not join the said place as the local MLA of Bheemini Mandal was creating some problems to the petitioner. In those set of circumstances, the petitioner has submitted a representation to the respondents and the respondents modified the

transfer orders and posted the petitioner to Jaipur *vide* proceedings dated 29.05.2018 and since then, the petitioner has been discharging his duties at Jaipur. It is also contended that while the petitioner was discharging his duties at Jaipur, the respondents have once again transferred the petitioner to Bheemini Mandal *vide* proceedings dated 26.10.2019 knowing fully well that the petitioner is having some issues with the local MLA of Bheemini Mandal. In such circumstances, the petitioner has submitted a representation to the respondents to transfer him to any Mandal other than Bheemini Mandal, but the respondents have rejected the request of the petitioner *vide* orders dated 18.11.2019.

Therefore, counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner to transfer him to any Mandal other than Bheemini Mandal, as the petitioner is having life threat in Bheemini Mandal.

Government Pleader appearing for the respondents had contended that first the petitioner should report at Bheemini Mandal and make a request for modifying the transfer orders, but in the instant case, the petitioner is absconding from duties without reporting at Bheemini Mandal. Therefore, if only the petitioner submits a representation afresh to the respondents, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the submissions of learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation afresh to the respondents within a period of two weeks from the date of receipt of a copy of this order, staking his claim for transfer and posting him to any Mandal other than Bheemini Mandal. Upon receipt of such representation, the respondents shall consider the case of the petitioner without being influenced by the earlier rejection orders and pass appropriate orders in accordance with law, in another four weeks thereafter.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

7th January, 2020
v v