

HONOURABLE SRI JUSTICE M. GANGA RAO

Writ Petition No.5935 of 2019

ORDER:

The petitioner who is working as RTC constable (Security Guard) filed this writ petition challenging the order No.V & SO/813 (02)/19-VSP, dated 22-04-2019 in so far as it relates to transfer of the petitioner from Zonal Workshop, Vizianagaram to Rajahmundry Bus Station as arbitrary and illegal and contrary to the transfer guidelines issued by the Corporation.

The petitioner stated that he was appointed as Security Guard on 02-10-1988 in Tirupathi Depot. On his request, he was transferred to Rajarajanarendra Region from Vikramasimha Region by proceedings dated 20-09-1989. The petitioner's parent region is Rajarajanarendra Region, but he was transferred to other region contrary to the Corporation Transfer guidelines. This Court has not persuaded to interfere in the transfer order. The transfer is incident of service. However, this court, having regard to the submission of the counsel for the petitioner, found that the petitioner was transferred to other region which is contrary to guidelines issued by the Corporation.

Per contra, Sri S.V. Ramana, learned counsel for the respondents states that there are excess security personnel in North East Coastal Region and shortage in Visakhapatnam and East Godavari and Vizianagaram Zone. As per the revised guidelines, the excess security personnel of NEC region were adjusted in Visakhapatnam region and East Godavari region. As per the transfer order, the petitioner was relieved and joined duty at

Rajamahendravaram. But, he was transferred on the ground that he was found excess staff in Rajamahendravaram. Thus, court cannot go into minute details to decide the impugned transfer order is not permissible under Article 226 of the Constitution of India. Transfer guidelines have no statutory force to bind the respondent Corporation.

Having regard to the said submission, this court felt it appropriate to dispose of the writ petition giving liberty to the petitioner to make a representation ventilating his grievance to the respondent authority within a period of two weeks from the date of receipt of a copy of this order. On filing such representation, the respondent authorities shall consider the same and pass appropriate orders as per law as expeditiously as possible, preferably within a period of six (6) weeks from the date of receipt of representation. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

M. GANGA RAO, J

Date: 28-06-2019

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