

(1999) 07 AP CK 0043

In the Andhra Pradesh High Court

Case No : Writ Petition No. 14516 of 1999

A.V.V. Satyanarayana

APPELLANT

Vs

Syndicate Bank, Hyderabad and others

RESPONDENT

Date of Decision : 19-07-1999

Acts Referred:

Citation : (1999) 4 ALD 255 : (1999) 4 ALT 387

Hon'ble Judges : Bilal Nazki, J

Bench : Single Bench

Advocate : Mr. Y. Venkata Sastry, for the Appellant; Mr. K. Srinivasa Murthy, for the Respondent

Judgement

1. The petitioner was appointed as a Clerk in the year 1978 and was posted at Bodhan. Then, on his request he was transferred to Rajahmundry in the year 1979. For the last twenty years he is working at the same place. He submits that he is physically handicapped and has 40% disability. Now, by virtue of impugned order dated 22nd February, 1999 he has been transferred and by 1st July, 1999 he has been relieved. He challenges the order of transfer mainly on the ground that there is a Circular issued by Ministry of Finance on 15-2-1988 which lays down that the employees who are physically handicapped should be exempted from routine periodical transfers and they should be posted at the branches located near their home towns or villages. It is further stated that there was a settlement by the respondents with the Syndicate Bank Employees Union and it was agreed that physically handicapped employees who are drawing conveyance allowance should not be transferred. The petitioner states that, he is also drawing conveyance allowance and for this reason he should not have been transferred.

2. Counter has not been filed but the learned senior Standing Counsel Mr. K. Srinivasa Murthy appearing for the respondents has argued the matter on instructions. He submits that, after twenty years petitioner has been transferred on administrative grounds and he has been posted within the same district and

therefore there would not be much inconvenience to him. Many judgments of this Court have been pressed into service, but this Court need not refer to those judgments in view of the judgment of the Supreme Court reported in Union of India and Others Vs. S.L. Abbas, . The facts of the case before the Supreme Court were similar to the facts of the case on hand. The employee who had been transferred approached the Central Administrative Tribunal for cancellation of the transfer on the ground that his wife was employed at Shillong wherefrom he had been transferred, his children were also studying at Shillong. He had himself suffered backbone fracture injuries some time ago and he submitted that guidelines contained in Government of India O.M. dated 3-4-1986 had not been kept in mind while ordering his transfer. The guidelines had prescribed that, as far as possible husband and wife must be posted at the same place. The Supreme Court found that these guidelines do not confer upon a Government servant a legally enforceable right. The Court found that these guidelines should be kept in mind whenever an order of transfer is passed by the employer but once an order is passed the employee cannot complain and cannot seek a direction from the Court for enforcement of these guidelines.

3. The petitioner has been transferred after serving at one place for twenty years. He has been transferred within the district where he has been working for the last twenty years. Therefore, I do not find any illegality in the matter. There is an added ground for not entertaining this petition i.e., the petitioner has also approached Regional Labour Commissioner who has also passed same directions on 26-2-1999.

4. For all these reasons, I do not find any merit in this petition which is accordingly dismissed.