
(2003) 08 AP CK 0042

In the Andhra Pradesh High Court

Case No : Writ Petition No. 16996 of 2003

K. Munidharmanadhaiah

APPELLANT

Vs

Girijan Co-op. Corporation Ltd. and Another

RESPONDENT

Date of Decision : 14-08-2003

Acts Referred:

Citation : (2003) 6 ALD 187 : (2003) 5 ALT 578

Hon'ble Judges : R. Subhash Reddy, J

Bench : Single Bench

Advocate : G. Ramesh Babu, for the Appellant; A.K. Jaiswal, for the Respondent

Final Decision : Allowed

Judgement

R. Subhash Reddy, J.—The petitioner, who is working as Senior Accountant in the Girijan Co-operative Corporation Limited, Tirupathi, has filed this Writ Petition questioning the order passed by the Divisional Manager in Rc.No. 161/2003-B, dated 31-7-2003, transferring him from Tirupthi and allotting him on deputation to Girijan Primary Cooperative Marketing Society, Nellore.

2. It is the case of the petitioner that there are separate set of service rules for the employees working in Girijan Co-operative Corporation Limited, Visakhapatnam and that as per Rule 14, the Appointing Authority or an authority superior to him or an Officer Authorised by Appointing Authority is competent to transfer an employee from Girijan Co-operative Corporation to Girijan Co-operative Marketing Society. As such, it is contended that the Divisional Manager is not competent authority to pass the impugned order.

3. On request of the learned Standing Counsel for the respondent-Corporation, the matter is adjourned to to-day from yesterday. The learned Standing Counsel submitted that so far as Senior Accountants are concerned, General Manager is the appointing authority and has also admitted that as per Rule 14 of the Service Rules of the Employees" of the Girijan Co-operative Corporation Limited, Visakhapatnam, the appointing authority is competent to pass the transfer

orders.

4. In the circumstances, on the sole ground that the Divisional Manager, who has passed the impugned order, is not competent authority, the impugned order dated 31-7-2003 is set aside and the Writ Petition is allowed. However, this order does not preclude the competent authority from passing appropriate order effecting transfers on administrative grounds. No costs.