
(1998) 09 AP CK 0090
In the Andhra Pradesh High Court
Case No : Writ Petition No. 26716 of 1998

S.L. Reddi

APPELLANT

Vs

APSRTC and Another

RESPONDENT

Date of Decision : 22-09-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1998) 6 ALD 183 : (1998) 5 ALT 634 : (1998) 3 APLJ 218

Hon'ble Judges : S.R. Nayak, J

Bench : Single Bench

Advocate : Mr. A.K. Jayaprakash Rao, for the Appellant; Mr. K. Harinath, SC for APSRTC, for the Respondent

Judgement

1. Rule nisi. Sri K. Harinath, the learned Standing Counsel for APSRTC took notice for the respondents. The writ petition was heard finally with the consent of both the learned Counsel for the parties.

2. I should state at the threshold that this is a totally unjustified petition. By the impugned proceedings dated 18-9-1998 issued by the Assistant Traffic Manager, Imlibun Bus Station, the Petitioner has been given posting and he has been posted to Hyderabad-11 Depot. Before this posting order, the petitioner was serving at Imlibun Bus-Station, which is also very much within Hyderabad City Corporation.

3. The argument of the learned Counsel for the petitioner is that the impugned transfer order is vitiated due to the fact that it was issued to appease the rival Union. I do not find any merit in this contention. In the first place, the impugned order cannot be considered to be a transfer order, as that term is understood generally. Transfer of an employee always results in the shifting of the employee from one place to another place. In a given case, If an employee is shifted from one office to another office within the same town/city, such posting cannot be treated to be a transfer. Even assuming that the posting order was issued on the basis of some representation made by the rival Union, that fact itself cannot be a

vitiating factor to assail the validity of the posting order. There is nothing before the Court to satisfy itself that the posting order was issued as a vindictive measure or to punish the petitioner. The petitioner cannot plead hardship also because the petitioner is shifted to another office within the City. The employer cannot be deprived of his legitimate power vested in him to determine who should work where in the interest of the administration. The scope of judicial review in this field is very much circumscribed by a catena of decisions of the Supreme Court and the High Courts.

4. The writ petition is, therefore, dismissed. No costs.