

(2001) 12 AP CK 0017
In the Andhra Pradesh High Court
Case No : W.A. No. 1274 of 1998

Tirumala Tirupathi Devasthanam Trust Board and Others	APPELLANT
Vs	
Raghupathy Reddy and Others	RESPONDENT

Date of Decision : 21-12-2001

Acts Referred:

Tirumala Tirupati Devasthanams Employees Service Rules, 1989 — Rule 14

Citation : (2002) 2 ALT 185 : (2002) 3 LLJ 463

Hon'ble Judges : S.R. Nayak, J;L. Narasimha Reddy, J

Bench : Division Bench

Advocate : A. Chandraiah Naidu, for the Respondent

Final Decision : Allowed

Judgement

S.R. Nayak, J.—The respondents herein, 20 in number, were appointed as Mazdoors and subsequently they were regularised as Mazdoors and thereafter they made an application to the appellant administration under Rule 14 of Tirumala Tirupathi Devasthanams Employees Service Rules, 1989 (for short "the Rules") seeking their transfer from the post of Mazdoor to the Post of Attender. Their request was turned down by Resolution No. 857, dated November 25, 1993 passed by the Board of Trustees of the Tirumala Tirupathi Devasthanams and consequential proceedings were also issued in ROC No. E3/35398/93, dated March 22, 1994 by the Executive Officer of the Appellant-Devasthanam rejecting the request of the respondents. The respondents being aggrieved by the resolution and. proceedings of the 2nd Appellant, preferred Writ Petition No. 3100/1995 in this Court.

2. The learned single Judge, as could be seen from the order impugned in this writ appeal, opined that the respondents are entitled to seek transfer from the post of Mazdoor to the post of Attender because the of pay of Mazdoors as well as the pay scale of Attenders are the same though their duties are different. In the premise of that opinion, the learned: Judge has disposed of that writ petition with the following directions:

"In view of the foregoing reasons, the respondents are directed to consider the case of petitioners, who are seeking transfer, and transfer them subject to availability of vacancies for the post of Attender and subject to the seniority of the petitioners in the post of Mazdoor and disability for working as Mazdoor within three months from the date of receipt of a copy of this order."

3. Hence, this writ appeal by the Tirumala Tirupathi Devasthanams Administration.

4. Learned Standing Counsel for the Tirumala Tirupathi Devasthanams would contend that the respondents cannot claim transfer from the post of Mazdoor to the post of Attenders as a matter of course or matter of right and it is very much within the domain of the discretion of the T.T.D.. Administration whether an employee working in one category should be transferred to another category or not, and under no circumstances a mandamus could lie to the Administration of T.T.D. to transfer an employee from one category to another category as a matter of course or as a matter of right at the behest of an employee. It is true that in the operative portion of the order, the learned single Judge has directed the T.T.D. Administration to transfer the respondents to the post of Attender subject to availability of vacancies in the said cadre. It gives an impression that if there are vacancies in the post of Attender, the respondents are entitled to be transferred as a matter of course. As it is trite that it is very much within the domain of the administrative power and discretion of the T.T.D. Administration as to whether an employee working in one category should be permitted to be absorbed in or posted to another category, that discretion vested in the administration cannot be usurped by the Court. Nothing is placed before us to satisfy ourselves that the respondents could, as a matter of course or as matter of right, seek their transfer from the post of Mazdoor to the post of Attender.

5. Rule 14 of the Rules does not support the claim of the respondents. Rule 14 reads:

"A member of the last grade service seeking transfer on his own accord from one branch or category of posts to another shall forego his right to seniority in that branch or category of posts and shall take the last rank in the seniority list prepared in that branch or category of posts to which he is so transferred."

6. In our considered opinion, Rule 14 of the Rules will come into operation only when the administration, in exercise of its discretion, transfers an employee from one category of the last grade service to another category of the last grade service. In other words, Rule 14 deals with consequences of a transfer of an employee in the last grade of service from one category to another category vis-a-vis his seniority in the transferred category and the place, and not the transfer itself.

7. In that view of the matter, we allow this writ appeal in part, and in substitution of the direction issued by the learned single Judge, we direct the T.T.D. Administration to consider the request of the respondents for their transfer from

the post of Mazdoor to the post of Attender in their discretion and having regard to the exigencies and needs of the service. No costs.