

SUPREME COURT OF INDIA

A.P.S.R.T.C.

Vs.

V. Veeraiah

(S. R. Babu and S.N. Phukan JJ.)

16.03.2000

ORDER

S. RAJENDRA BABU, J.

1. Leave granted.

2. Heard learned Counsel for the parties.

3. The respondent is working as a Conductor in the establishment of the Appellants. He came to be transferred pursuant to an order made by the Corporation on 18.7.80. In that order it is noted that the respondent was transferred on his request and his seniority would be reckoned in the manner stated therein. However, he questioned the action of the Appellants in so far as it related to his seniority before the High Court in a writ petition. The High Court stated that the transfer had been effected on account of administrative exigencies and creation of a new division and, therefore, his seniority should not be affected to his disadvantage. The order made by the learned Single Judge was taken up in appeal which came to be dismissed. Hence this appeal by special leave.

4. Learned Counsel for the Appellants drew our attention to the order made by the Corporation on 18.7.80 which was pursuant to the application made by the respondent as Annexure 'B' which clearly indicates that he had certain personal problems and, therefore, opted for a transfer. On those grounds, the order has been made by the Corporation taking a sympathetic view of the matter. In the circumstances we do not think the High Court is justified in holding that the transfer is on account of administrative exigencies or by creation of a new division. We are of the view that the order made by the learned Single Judge, as affirmed by the Division Bench, needs to be set aside and the writ petition filed by the Respondent shall stand dismissed. The appeal is allowed accordingly. There shall be no order as to costs.