

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

Date of CAV:01.08.2018. O.A. No.021/00272/ 2018

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Date of CAV:16.08.2018. O.A. No.021/00613/ 2017 &
M.A.No.251/2016 in OA.No.021/00613/2017

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Date of CAV:17.08.2018. O.A. No.020/00192/ 2018 &
M.A.No.275/2018 in OA.No.020/00192/2018

&

Date of CAV:17.08.2018. O.A. No.020/00193/ 2018 &
M.A.No.277/2018 in OA.No.020/00193/2018

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Date of CAV:28.08.2018. O.A. No.021/00341/ 2018

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Date of CAV:28.08.2018. O.A. No.021/00342/ 2018

Date of Order : 03.10.2018.

O.A. No.021/00272/ 2018

Between :

G.Satyanarayana, s/o G.Sanjeevi,
Aged about 52 yrs, Occ:Sub Divisional Engineer,
BSNL, Gr.'B', O/o General Manager (Rural),
Telephone Exchange, Lingampally,
Hyderabad-500 050.

...Applicant

And

1. Union of India, rep., by the
Secretary, Dept. Of Telecommunications,
20, Ashoka Road, New Delhi-1.

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2. The Bharat Sanchar Nigam Limited,
Rep., by its Chairman-cum-Managing Director,
Bharat Sanchar Bhavan, BSNL Corporate Office,
Harish Chandra Mathur Lane, Janpath,
New Delhi-1.

3. The Chief General Manager,
Telangana Telecom Circle (BSNL),
Door Sanchar Bhavan, Nampally Station Road,
Abids, Hyderabad-500 001.

4. The Principal General Manager,
Hyderabad Telecom District,
BSNL Bhavan, Adarshnagar, Hyderabad.

... Respondents

Counsel for the Applicant
Counsel for the Respondents

... Dr.A.Raghu Kumar,
... Mrs.K.Rajitha, Sr.CGSC
... Mr.M.C.Jacob, SC for BSNL

O.A. No.021/00613/ 2017
Between :

K.Venkatesh, s/o K.Yellanna,,
Aged about 51 yrs, Occ:Sub Divisional Engineer,
O/o Principal General Manager (Central),
Telephone Bhavan, Saifabad, Hyderabad.

...Applicant

And

1. The Bharat Sanchar Nigam Limited,
Rep., by its Chairman-cum-Managing Director,
BSNL Corporate Office, Barakumba Road,
Statesman Huse, New Delhi-1.

2. The Chief General Manager,
Telangana Telecom Circle (BSNL),
Door Sanchar Bhavan, Nampally Station Road,
Abids, Hyderabad-500 001.

3. The Principal General Manager (Central),
Telephone Bhavan, Saifabad, Hyderabad.

... Respondents

Counsel for the Applicant
Counsel for the Respondents

... Dr.A.Raghu Kumar,
... Mrs.K.Sridevi, SC for BSNL

O.A. No.020/00192/ 2018

Between :

R.Hema Kumar, s/o late R.Siddalingam,
Aged about 55 yrs, Occ:Sub Divisional Engineer (OFC),
Gr.'B' O/o Divisional Engineer, STSR,
Tirupathi-517 501.

...Applicant

And

1. Union of India, rep., by the
Secretary, Dept. Of Telecommunications,
20, Ashoka Road, New Delhi-1.

2. The Bharat Sanchar Nigam Limited,
Rep., by its Chairman-cum-Managing Director,
BSNL Corporate Office, Barakumba Road,
Statesman House, New Delhi-1.

3. The Chief General Manager (Maintenance),
Southern Telecom Region, 11, Link Road,
Ganapathy Colony, Guindy, Chennai-600 032.

... Respondents

Counsel for the Applicant
Counsel for the Respondents

... Dr.A.Raghu Kumar,
...Mrs.K.Rajitha, Sr.CGSC
... Mr.M.C.Jacob, SC for BSNL

O.A. No.021/00193/ 2018

Between :

R.Sethu Madhava Rao, s/o late R.Ramakrishna,,
Aged about 55 yrs, Occ:Sub Divisional Engineer, Gr.'B',
O/o Principal General Manager, Telecom District,
Warangal-506 007.

...Applicant

And

1. Union of India, rep., by the
Secretary, Dept. Of Telecommunications,
20, Ashoka Road, New Delhi-1.

2. The Bharat Sanchar Nigam Limited,
Rep., by its Chairman-cum-Managing Director,
BSNL Corporate Office, Barakumba Road,
Statesman House, New Delhi-1.

3. The Chief General Manager,
Telangana Telecom Circle (BSNL),
Door Sanchar Bhavan, Nampally Station Road,
Abids, Hyderabad-500 001.

4. The Principal General Manager,
Warangal Telecom District,
BSNL Bhavan, Warangal-506 007 .

... Respondents

Counsel for the Applicant
Counsel for the Respondents

... Dr.A.Raghu Kumar,
...Mrs.K.Rajitha, Sr.CGSC
... Mr.M.C.Jacob, SC for BSNL

O.A. No.021/00341/ 2018

Between :

B.Suresh, s/o late B.Ramaiah,
Aged about 47 yrs, Occ:Sub Divisional Engineer,
BSNL, Gr.'B', O/o Assistant General Manager(AN),
BSNL, Bhavan, Adarshnagar, Hyderabad-63.

...Applicant

And

1. Union of India, rep., by the
Secretary, Dept. Of Telecommunications,
M/o Communications and IT,
20, Ashoka Road, New Delhi-1.

2. The Bharat Sanchar Nigam Limited,
Rep., by its Chairman-cum-Managing Director,
BSNL Corporate Office, Barakumba Road,
Statesman House, New Delhi-1.

3. The Chief General Manager,
Telangana Telecom Circle (BSNL),
Door Sanchar Bhavan, Nampally Station Road,
Abids, Hyderabad-500 001.

... Respondents

Counsel for the Applicant
Counsel for the Respondents

... Dr.A.Raghu Kumar,
...Mrs.K.Rajitha, Sr.CGSC
... Mrs.A.P.Lakshmi, SC for BSNL

O.A. No.021/00342/ 2018

Between :

K.Venu Gopal Reddy, s/o K.Venkat Reddy,,
Aged about 49 yrs, Occ:Sub Divisional Engineer,
BSNL, Gr.'B', Bowenpally Telephone Exchange,
O/o Principal General Manager, North CFA,
Secunderabad.

...Applicant

And

1. Union of India, rep., by the
Secretary, Dept. Of Telecommunications,
20, Ashoka Road, New Delhi-1.

2. The Bharat Sanchar Nigam Limited,
Rep., by its Chairman-cum-Managing Director,
BSNL Corporate Office, Barakumba Road,
Statesman House, New Delhi-1.

3. The Chief General Manager,
Telangana Telecom Circle (BSNL),
Door Sanchar Bhavan, Nampally Station Road,
Abids, Hyderabad-500 001.

... Respondents

Counsel for the Applicant

... Dr.A.Raghu Kumar,

Counsel for the Respondents

...Mrs.K.Rajitha, Sr.CGSC

... Mrs.A.P.Lakshmi, SC for BSNL

CORAM:

THE HON'BLE MR.JUSTICE R.KANTHA RAO, MEMBER (JUDL.)

THE HON'BLE MRS.NAINI JAYASEELAN, MEMBER (ADMN.)

ORDER

(As per Hon'ble Mrs.Naini Jayaseelan, Member (Admn.))

The applicants herein are challenging the transfer orders passed by the BSNL as per the transfer policy dated 5.9.2007, which has been amended on 7.5.2008. Since common questions of law and facts arise for consideration in all these OAs, we dispose of all these OAs by this common order.

2. The brief facts of the case are as follows:

O.A.No.272/2018.

The Applicant in this OA initially joined the erstwhile Department of Telecommunications (DOT) as Telephone Operator on 30.9.1985 and was selected under departmental outsider quota as Junior Telecom Officer (JTO) on 4.2.1991 and promoted as Sub Divisional Engineer (SDE) on regular basis on 2.1.2002. On 01.10.2000 upon the creation of Bharat Sanchar Nigam Limited (BSNL), the applicant was absorbed into BSNL as per his option with effect from 1.10.2000. The BSNL introduced a Transfer Policy called as BSNL Transfer Policy dated 5.9.2007 and vide their Policy dated 7.5.2008, certain amendments were carried out. The respondents issued the impugned office order dated 22.2.2018 transferring the applicant from Telangana Telecom Circle to Assam Telecom Circle on the ground of accommodating the transfer request of the SDEs who had completed their

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tenure in Assam Telecom Circle. The applicant submitted representations on 13.3.2018 and 19.3.2018 to the Senior General Manager (Personnel), BSNL Corporate Office in respect of the above transfer on the grounds –

- (i) Since SDE is an All India cadre and liable for transfer anywhere in India, therefore, as and when the transfers are contemplated to accommodate the requests of the so-called SDEs who have completed the tenure in Assam, the BSNL should have prepared an All India Seniority List on the basis of the Station particulars.
- (ii) Such seniority list should be compiled on the basis of each Circle and again at the All India level and only thereafter SDEs of all Circles should be subjected to such transfers.
- (iii) In the case of many Circles, persons belonging to 1980-1989 batch are still working in their respective circles without any transfer.
- (iv) Such transfers without an All India seniority list and restricting transfer orders to the Circle from which the earlier transfer was given to a particular SDE results in a pick and choose policy by protecting various SDEs in other Circles with longer stay.

The respondents have not passed any order against the representation of the applicant so far and the same is still pending with them. However, the applicant could know that most of the other persons in the transfer orders are relieved without considering their representations and it is even more likely that the applicant also may be relieved at any point of time even without considering his representation.

On 26.3.2018, this Tribunal passed an interim order staying the impugned transfer order dated 22.2.2018.

O.A.No.613/2018

The applicant in this OA joined the erstwhile Dept. Of Telecommunications as Junior Telecom officer on 12.2.1991 and was promoted to the post of SDE on 10.1.2002. The BSNL introduced a Transfer Policy called as BSNL Transfer Policy dated 5.9.2017 and vide their Policy dated 7.5.2008, certain amendments were carried out. The 2nd respondent issued orders basing on the date of entry in the territorial jurisdiction from the cadre of JTO as per which the applicant stands at Sl.No.106. The first respondent issued Inter Circle Transfers in the cadre of SDEs (Telecom) transferring the applicant from the Telangana Territorial Circle to Calcutta Telephone District (CTD) and the applicant is at Serial No.1 in the said transfer list. The applicant immediately submitted his representation against the said transfer order stating that he is a Diabetic and BP patient and since he has aged old parents, wife and three children who are pursuing their education. The applicant submitted one more representation reiterating his problems and requested the respondents to retain him for one more year upto 31.3.2018. The respondents themselves were pleased to issue orders retaining the applicant upto 31.7.2017.

On 28.7.2017, this Tribunal admitted the OA and passed an interim order staying the office order dated 9.2.2017 to the extent of the applicant.

O.A.No.192/2018

The applicant in this OA joined the erstwhile Dept. Of Telecommunications as Junior Telecom officer on 24.10.1989 and was promoted to the post of SDE on 17.5.2000. The 2nd respondent issued orders dated 4.3.2016 enclosing the stay particulars of SDEs (T) working in A.P.Telecom Circle Territorial Jurisdiction as on date furnished Non-Territorial Circles viz., Inspection Circle, ITPC, Q.A. STR, STP, RCNGN including A.P.Telecom Circle basing on the date of entry in the territorial jurisdiction from the cadre of JTO as per which the applicant's name stands at Sl.No.85. While the matter stood so, the 1st respondent issued Inter Circle Transfers in the cadre of SDES (Telecom), vide office order dated 17.10.2016 transferring the applicant from the Southern Telecom Region to Calcutta Telephone District (CTD), who is at Serial No.3 in the transfer list. The applicant made a representation dated 18.10.2016 to the Director HR, BSNL Corporate Office stating that he had already worked in Hard Tenure Station i.e, North East Region Task Force, Guwahati, Assam, from 24.10.1989 to 5.4.1991 and also stating that his family health problems which was duly forwarded to the higher authorities. While so, the 2nd respondent issued orders retaining the applicant in the present Circle till 31.3.2018. In the meanwhile, some of the similarly situated persons, who were also transferred to Calcutta Telecom District without observing any seniority at All India level, approached this Tribunal in OA.No.748/2016. This Tribunal vide its orders dated 9.11.2017 allowed the said OA.

The respondents have not challenged the said order of the Tribunal and the same has attained finality. Since the applicant is now likely to be relieved after 31.3.2016, though he is similarly situated, the respondents are not preparing All India seniority of tenure including all Circles. The applicant also submitted representation dated 12.1.2018 to the 2nd respondent requesting to cancel the said transfer orders taking into considering of the orders of this Tribunal dated 9.11.2017 passed in OA.No.748/2016, which is still pending with the respondents.

This Tribunal by order dated 27.3.2018 passed an interim order not to relieve the applicant for a period of three weeks and the same was extended until further orders on 17.4.2018.

OA.No.193/2018

The applicant in this OA was appointed as JTO on 20.10.1991 and promoted as SDE on 9.1.2002. In addition to the hard tenure stations, which were identified as North East, Jammu and Kashmir, Andaman and Nicobar, Bihar and West Bengal other than Calcutta Telephone District (CTD) were also declared as hard tenure stations. The contention of the applicant is that the CTD is not a hard tenure station and the rotational transfers on the basis of seniority are not applicable to it. The transfers, if any, to CTD shall be based on the All India seniority subject to exemptions,

if any, but the respondents cannot choose only few Circles for the purpose of transfers to CTD. While the matter stood so, the 1st respondent issued Interim Circle Transfers dated 30.1.2017 transferring the applicant from AP Territorial Circle to CTD and the applicant stood at serial No.5 in the transfer list. The 3rd respondent, vide his letter addressed to the BSNL headquarters stated that he is playing an important role in achieving EB Gold sales targets and CRM activities for the last three years and the transfer of the applicant at this crucial time may hamper the EB performance of the Circle and as such requested to take up the matter with HR section for his retention in Telangana Circle. In pursuant to the above letter, the 2nd respondent issued office order dated 26.4.2017 retaining the applicant till 31.3.2018. In the meanwhile, some of the similarly situated persons, who were also transferred to CTD without observing seniority at All India level, approached this Tribunal in OA.No.748/2016. This Tribunal vide its order 9.11.2017 allowed the said OA. The respondents have not challenged the orders of this Tribunal and as such it attained finality. Since the applicant is likely to be relieved after 31.03.2018 though he is similarly situated and the respondents are not preparing the All India seniority list of tenure including all Circles, the applicant has no other alternative except to approach this Tribunal seeking stay of the impugned transfer order.

On 27.3.2018, this Tribunal passed an interim order directing not to relieve the applicant for a period of three weeks and the same was extended until further orders by order dated 17.4.2018.

O.A.No.341/2018

The applicant in in this OA joined the erstwhile Dept. Of Telecommunications as Junior Telecom officer in the year 1995 in the batch of 1992 for AP Circle. He was further promoted to the post of Sub-Divisional Engineer on regular basis on 4.10.2004. The Govt. Of India established a company by name Bharat Sanchar Nigam Limited (BSNL) with effect from 1.10.2000 and the applicant was absorbed into BSNL as per option exercised w.e.f. 1.10.2000. The BSNL introduced a Transfer Policy called as BSNL Transfer Policy dated 5.9.2017 and vide their Policy dated 7.5.2008, certain amendments were carried out. While so, the respondents issued the present impugned office order dated 29.01.2018 transferring the applicant from Telangana Telecom Circle to North Eastern Task Force (NETF) Circle on the ground of accommodating the request transfer of the SDEs working in NETF Circle on transfer from TS Circle about two years back who have completed their tenure. Immediately, the applicant submitted a representation dated 02.01.2018 seeking the indulgence of the Principle General Manager (Personnel), BSNL Corporate Office in respect of the above transfer on the grounds that -

(i) Since SDE is an All India cadre and liable for transfer anywhere in India and when the transfers are contemplated to accommodate the requests of the so called SDEs who have completed the tenure in NETF, the BSNL should have prepared an All India seniority list on the basis of the station particulars;

(ii) such seniority list should be compiled on the basis of each circle and again at the All India level and SDEs of all Circles should be subjected to such transfers;

(iii) in the case of many persons belong to 1980-1989 batch are still working in their respective circles without any transfer, (iv) such transfers without All India seniority list and restricting it to the circle from which the earlier transfer was given to a particular SDE has resulted in a pick and choose policy by protecting various SDEs in other circles with longer stay.

When the respondents have not passed any orders, the applicant approached this Tribunal challenging the transfer orders by filing OA.No.137/2018, which was disposed of vide orders dated 15.02.2018 directing the 2nd respondent to dispose of the representations submitted by the applicant and pass appropriate orders. The 2nd respondent vide 2nd impugned order dated 15.3.2018 rejected the representations of the applicant mechanically and without application of mind, which was communicated to the applicant through 3rd respondent letter dated 6.4.2018.

O.A.No.342/2018

The applicant in this OA joined the erstwhile Dept. Of Telecommunications as JTO in the year 1995 in the batch of 1992 for AP Circle. He was further promoted to the post of SDE on regular basis on

9.10.2004. The Govt. Of India established a company by name Bharat Sanchar Nigam Limited (BSNL) with effect from 1.10.2000 and the applicant was absorbed into BSNL as per the option exercised w.e.f. 1.10.2000. The BSNL introduced a Transfer Policy called as BSNL Transfer Policy dated 5.9.2017 and vide their Policy dated 7.5.2008, certain amendments were carried out. While so, the respondents issued the present impugned office order dated 27.11.2017 transferring the applicant from Telangana Telecom Circle to North Eastern Task Force (NETF) Circle on the ground of accommodating the request transfer of the SDEs working in NETF Circle on transfer from TS Circle about two years back who have completed their tenure. Immediately, the applicant submitted a representation dated 28.12.2017 seeking the indulgence of the Principle General Manager (Personnel), BSNL Corporate Office in respect of the above transfer on the grounds (i) Since SDE is an All India cadre and liable for transfer anywhere in India and when the transfers are contemplated to accommodate the requests of the so-called SDEs who have completed the tenure in NETF, the BSNL should have prepared an All India seniority list on the basis of the station particulars, (ii) such seniority list should be compiled on the basis of each circle and again at the All India level and SDEs of all Circles should be subjected to such transfers, (iii) in the case of many persons belong to 1980-1989 batch are still working in their respective circles without any transfer, (iv) such transfers without All India seniority list and restricting it to the circle from which the earlier

transfer was given to a particular SDE is resulting in pick and choose by protecting various SDEs in other circles with longer stay. When the respondents have not passed any orders, the applicant approached this Tribunal challenging the transfer orders which was disposed of directing the 2nd respondent to dispose of the representations submitted by the applicant and pass appropriate orders. The 2nd respondent vide 2nd impugned order dated 19.2.2018 rejected the representations of the applicant mechanically.

3. In some O.A.Nos.613/2017, 192/2018 and 193/2018, the respondents have filed Vacate Stay Petitions viz., M.A.No.251/2016, M.A.No.275/2018 and M.A.No.277/2018 seeking vacation of interim orders.

4. In a similar case in OA.No.748/2016 filed by Sri N.Prashant Rao and others, this Tribunal had allowed the OA stating that the respondents had adopted a pick and choose method in transferring the applicants. The operative portion of the order in the above OA reads as follows:

“24. We have also considered the judgment of the Coordinate Bench of this Tribunal dismissing O.A.No.438/2014 dated 02.02.2016. The grounds raised by the applicants in the aforesaid OA are that the incumbents from only one circle have been taken and other circles have been left out irrespective of All India seniority and stay in a particular circle and that no All India seniority list has been displayed so as to judge as to whether the persons having longer stay in their respective circles have been transferred. The other grounds raised are that individual circumstances of the applicants such as the education of children etc., have not been taken into account while ordering the transfers. In the said OA, the applicants have

no case that the persons with longer stay in the Punjab circle have been exempted while ordering their transfer. In the instant case, the specific ground is that even seniors within the circle have not been considered while issuing the impugned orders. Thus, the aforesaid OA is distinguishable on facts and not exactly applicable to the present case.

25. Thus, on the basis of the material placed before us, we hold that arbitrariness is manifest in the impugned orders and that there is substance in the contentions of the applicants that the pick and choose policy adopted by the respondents is a violation of the transfer policy and also the principles of fair play and justice. “

5. The contention of the learned counsel for the Applicants is that since SDE is an All India cadre, even to accommodate the request of the SDEs, who have completed the tenure in Assam, the BSNL should have prepared an All India seniority list on the basis of the station particulars and such seniority should be compiled on the basis of each circle and again at the All India level and SDEs of all circles should be subjected to such transfers. He also contended that in many circles, officials belonging to 1980-1989 batch are still working in their respective circles without any transfer.

6. The contention of the learned standing counsel appearing for the Respondents i.e., BSNL, is that the BSNL updates All India seniority list of Executives for the purpose of conducting DPCs/Promotions for filling up vacancies in various cadres and the said All India seniority list is not relevant for moving the Executives to Circles having shortage of manpower, and in the transfer policy guidelines issued by the BSNL, it is

clearly spelt out the modus of such tenure based transfer to Northeast, Assam and J&K is on the basis of Circle seniority of the Executives who have completed the prescribed tenure. It is also stated that transfers to the hard tenure circles are exclusively in the interest of public service and the same procedure has been continuing for over a decade. It is by virtue of the longer stay in the Circle that the names of the applicants were figured in the Circle Seniority List for tenure transfer, and that such transfer is not/cannot be based on All India Seniority List as basing on such transfers on the basis of All India Seniority List is not envisaged under the extant transfer policy guidelines. A soft tenure is fixed as 3 years and those Executives who are in the circle tenure, the short tenure is deducted from the circle tenure of 3 years. BSNL issued a transfer policy dated 07.05.2008, which in addition to stipulating All India transfer liability laid down that in a career span of all Executives normally one hard station such as Northeast Assam, Jammu & Kashmir, Andaman & Nicobar Islands and one term in other tenure Circles/SSAs, if any, would be required. After completion of tenure, the Executives shall be accommodated at the choice station as far as possible and not generally disturbed for next four years. Section B Para 11 (d) also contemplates that for counting Station/SSA Tenure, the period of service rendered in the previous cadre/grade would be counted and for Inter-Circle Transfer, stay will be counted from the date of regular promotion/recruitment into the grade of JTO/JAO and others equivalent to the first level of Executive hierarchy.

7. It was argued on behalf of the respondents that BSNL updates All India seniority list of Executives for the purpose of conducting DPCs/Promotions for filling up vacancies in the various cadres and the said All India seniority list is not relevant for moving the Executives to Circles which are shortage of manpower and at present a shortage of 81% of Executives in Calcutta Circle is the underlined reason for the above mentioned transfers. The respondents have also pointed out that the department has filed a Writ Petition No.10122/2018 challenging the order of this Tribunal in OA.No.748/2016, referred to by the applicants, and the Hon'ble High Court, vide its order dated 29.03.2018 suspended the operation of the order. While suspending the order, the Hon'ble High Court opined as follows:

“Having considered the rival submissions, we are of the opinion that as transfer is an incident of service; it is not open to any employee to assert any right to be retained, on the strength of the length of service rendered, at a particular location. Administrative exigencies would dictate as to how transfers should be affected, notwithstanding the length of such service. Further, unless specific cases of arbitrariness are alleged and established or malafides are attributed, Courts of law would normally not interfere with transfers effected by an employer.

We therefore suspend the operation and effect of the order under challenge passed in OA.No.021/00748/2016 pending further orders. This order shall, however, not preclude the respondents-applicants from making fresh representations to the BSNL in the event they seek transfers to particular locations on the strength of valid and tenable grounds and in the event they do so, the BSNL shall consider such representations on their own merits and in accordance with the applicable norms expeditiously.”

8. Based on the pleadings, reply statement and the documents placed on record, it is clear that the contention of the applicants that any transfer based on inter-circle transfer necessarily has to be based on an All India Seniority List, cannot be accepted since the transfer orders have been issued due to administrative exigencies and in public interest to bridge the manpower deficit in all BSNL Circles including CTD as there is a shortage of more than 81% in the Calcutta Telecom District as compared to only 36% in the AP Circle including Telangana Circle. The transfer orders are issued in view of administrative exigencies arising from time to time and in no way can be viewed as a punishment.

9. The contention of the learned counsel for the Applicants that such transfers can only be based on an All India seniority list is nowhere envisaged under the guidelines and transfer has been effected from circles having less shortage of executives and AP/Telangana is one such circle. Further, the contention of the applicant that exemptions mentioned in the transfer policy guidelines is not permissible cannot be upheld since exemptions have been granted considering the various aspects of working in remote areas and safety and security implications.

10. Transfer of a Government servant is not only an incident inherent in terms of his appointment but also implicit as an essential condition of service. Laying down a policy/guidelines for regulating the transfers provides consistency in public service, increases transparency and reduces the chances of arbitrariness, and since the transfers are in accordance with the laid down policy, there is no reason to interfere with either the transfer order or the policy.

11. In view of the above, all these OAs are hereby dismissed and the stay orders granted are vacated. Accordingly, the vacate stay petitions viz., MA.No.251/2016, M.A.No.275/2018 and M.A.No.277/2018, filed by the respondents, are allowed. There shall be no order as to costs.

(NAINI JAYASEELAN)
MEMBER (ADMN.)

(JUSTICE R. KANTHA RAO)
MEMBER (JUDL.)

Dated: this the 3rd day of October, 2018

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