

HON'BLE SRI JUSTICE NYAPATHY VIJAY

**W.P.Nos.16968, 16981, 16982, 16984, 16986, 16987, 16997,
16999, 17002, 17004, 17050, 17541, 17549, 17810, 17852,
17864, 17865, 17872, 17873, 17878, 17882, 17990, 18072,
18126, 18750, 18846 of 2025**

COMMON ORDER:

The present batch of writ petitions is filed questioning the transfers effected by Respondent-authorities as being contrary to G.O.Ms.No.5 GSWS Department dated 12.06.2025, preparing guidelines for transfer in consonance with G.O.Ms.No.23 Finance (HR-I-PLG & Policy) Dept., dated 15.05.2025. As the issue in these writ petitions is common, with the consent of both the learned counsel, the writ petitions are disposed of by a common order.

2. W.P.No.17004 of 2025 is taken up as lead case and the parties are referred to as they arrayed in the said writ petition.

3. The facts leading to filing of W.P.No.17004 of 2025 are as follows:

The Petitioners were appointed as Village Agricultural Assistants Grade-II in the year 2019 through DSC and have been

posted at various Gram Panchayats. As a part of rationalization, Respondent No.1 issued G.O.Ms.No.1 GSWS Department, dated 25.01.2025, rationalizing the Village/Ward Secretaries and Functionaries for effective implementation of Real Time Governance at Village/ Ward level. Subsequently, G.O.Ms.No.3 GSWS Department, dated 10.04.2025 was issued positioning various designations of General Purpose Functionaries based on the category of Village/Ward Secretaries. Thereafter, G.O.Ms.No.4 GSWS Department dated 17.05.2025 was issued grouping Village Secretaries, fixing positions to the specific purpose in the Village/Ward Secretaries. Thereafter, G.O.Ms.No.5 GSWS Department dated 12.06.2025 was issued providing principles for positioning and transfers of functionaries.

4. Consequent to the issuance of G.O.Ms.No.5 dated 12.06.2025, list of long-standing employees as per station seniority was prepared by Respondent Nos.5 and 6. As all the candidates had joined the post under the same notification, the seniority was taken on the basis of date of birth of the individual and a list of 445 candidates liable for transfer in the District of Kurnool was shown.

5. The Petitioners and persons similarly placed had given their choice of posting as per the transfer policy. However, Respondent Nos.5 and 6 in deviation of the entire transfer and posting procedure and by ignoring the seniority, transferred the Petitioners to places which were not opted by them. It is the specific case that the Respondent No.6 had entertained recommendations of public representatives and had abdicated their duty to effect fair transfers and had totally acted at the instance of letters issued by the public representatives.

6. In the counter affidavit filed by the Respondents, it was stated that the transfers were effected as per the transfer policy and referred to a judgment of ***Union of India v. Sri Janaradhan Debanath***¹ to contend that the transfers at the instance of public representatives cannot invalidate the transfers effected by the Respondents in the absence of violation of any statutory rule or on any allegation of *mala fide* acts by the Respondents.

7. Though this Court was inclined to issue notice to unofficial Respondents, but considering the dire urgency expressed by the learned Government Pleader stating that the administration is in

¹ 2004 (4) SCC 245

chaos, this Court had to dispense with the notice to the unofficial Respondents.

8. Heard Sri V. Ramesh, Sri V. Maheswar Reddy, Sri Harinath Reddy Somagutta, Ms. Chukka Harika and Sri D. Prudhvi Teja.

9. Learned counsel for the Petitioners submitted that transfers were effected without any reference to the seniority list and totally at the instance of the public representatives. Reliance was placed on Clause 7(ii) (ix) (xi) and Clause 8 of the transfer policy issued by G.O.Ms.No.5 dated 12.06.2025. Learned counsels further submitted that counselling options were given to the Petitioners (454 candidates) on 29.06.2025 and 30.06.2025 in Kurnool District and the impugned orders of transfers were issued on the very same date, which would show that the exercise of calling for options from the Petitioners was only for name-sake and the Respondents had already decided the entire transfer policy. The letters issued by the public representatives i.e. MLAs and MPs were filed along with additional material papers vide USR No.80705/2025.

10. Learned counsel for the Petitioners further contended that the letters issued by the public representatives are not really relating to recommending transfer of the functionaries, but the letters of recommendation specify the posting of the employee and the letters are virtually a dictum to the respondent authorities which was sincerely adhered to. Learned counsel would submit that though the Petitioners do not have any objection for being transferred, but the same should be done in accordance with the guidelines framed to bring transparency in the transfers. The Additional ground that was urged was that the District Agricultural officer who issued transfer orders in Krishna District does not have jurisdiction and the transfers should be effected by District Collector alone.

11. Learned Government Pleader would submit that the transfers were effected in accordance with the transfer policy and that there is no deviation. It is further submitted that all the employees were appointed through DSC in the year 2019 as Village Agricultural Assistants Grade-II and the station seniority, which is the relevant aspect for effecting transfers, is same to all the persons as all of them joined in the year 2019 only. Learned

Government Pleader would submit that there is no bar in the administration to consider the letters issued by the public representatives/ MLAs/ MPs as long as the transfers are effected in consonance with the policy. Learned Government Pleader would further submit that there are no allegations or *mala fide* act by the Respondents nor any allegation of violation in transfer policy.

12. In view of the above contentions, the issues that falls for considerations are:

(1) The scope of interference when transfers are effected in violation of the guidelines?

(2) Whether the transfers are vitiated on account of letters given by the public representatives?

13. **Issue Nos.1 and 2:** It has been consistently held by Hon'ble Supreme Court as well this Court that the transfers issued in public interest and administration cannot be interfered even if the transfer guidelines are violated.

14. In ***Shilpi Bose (Mrs) and others v. State of Bihar and others***², 14 teachers in Bihar who were transferred on request transfers of rival teachers on spouse grounds questioned the same. It was on this count, the Supreme Court held that Courts should not interfere with transfer orders made in public interest and administrative reasons. The relevant portion of the judgment is extracted below;

“In our opinion, the courts should not interfere with a transfer order which is made in public interest and for administrative reasons unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of mala fide.”

15. The above judgement has been the theme for a number of judgements expressing restraint in interference of transfers effected for administrative reasons and in public interest. The restraint imposed in various judgements rejecting pleas regarding transfers is on the premise that the transfers are effected in public interest.

² 1991 Supp (2) Supreme Court Cases 659

16. In ***Major General J.K. Bansal v. Union of India***³, the Hon'ble Supreme Court was considering the case of a transfer of a member of armed forces and held that interference in the orders of transfers is permissible, provided an exceptionally strong case is made out. The relevant portion of the judgement at paragraph 12 is extracted below;

“It is for the higher authorities to decide when and where a member of the armed forces should be posted. The courts should be extremely slow in interfering with an order of transfer of such category of persons and unless an exceptionally strong case is made out, no interference should be made.”

17. Coming to the facts of this case, from time to time, the State undertakes mass transfers in various cadres and departments. To quell the corridor rumours of favouritism and bias, transfer policies have been formulated by the Government departments initially in consultation with the employee associations and gradually over a period of time, these transfer guidelines manifested into executive instructions by the State under Article 162 of the Constitution of India. The purpose of these executive instructions is to keep unabated power to transfer

³ 2005 (7) SCC 227

by the authorities on leash and make them accountable for deviations.

18. This year, the State issued model transfer guidelines vide G.O.Ms.No.23 Finance (HR-I-PLG & Policy) Dept., dated 15.05.2025 leaving it open to the Departments having unique operational systems to have their own guidelines subject to the condition that those guidelines do not conflict G.O.Ms.No.23 dated 15.05.2025. Pursuant thereto, Respondent No.1 issued G.O.Ms.No.5 dated 12.06.2025, whereunder transfer guidelines were issued for effecting transfers of functionaries in various Village/Ward Secretariats. The principles of positioning and transfers of the functionaries specified in clause 7 thereof is akin to G.O.Ms.No.23 dated 15.05.2025.

19. As per this clause, those who have completed five years of stay at Village/Ward Secretariat will invariably be transferred and the number of years in all cadres/posts at a Village/Ward Secretariat shall be reckoned as the period of stay at a Village/Ward Secretariat. The other salient features of this clause are that no functionaries shall be positioned within the native Mandal and preferences were also given to certain categories of

employees i.e. visually challenged, functionaries having mentally challenged children, functionaries having worked in tribal areas, medical grounds, widows etc. The said clause also provides for posting husband and wife at the same station.

20. As per clause 8, the District Collectors-Appointing Authorities shall be responsible for positioning of prescribed numbers and transfers of functionaries as per the orders in a most transparent and time-bound manner without giving any scope for allegations. The Directors of GSWS shall make available an IT tool to help the District Collectors in completing this task on time.

21. The piquant situation in this cadre is that all the employees have been appointed as Village Agricultural Assistants Grade-II in the year 2019 through DSC and this is the first transfer after they joined the department and therefore, there is a greater degree of caution and transparency required by the transferring authorities. The transfer policy does not mention as to what is the criteria that is being adopted for determining the *inter se* seniority, lottery system etc. unlike in other departments, where the individuals have been appointed on different dates.

22. Be that as it may, the Respondents had prepared a seniority list of 454 candidates in Kurnool District due for transfer and this list was based on date of birth of the functionaries. The functionaries of Kurnool District were informed that counselling would be conducted for Sl.Nos.1 to 227 on 29.06.2025 and for Sl.Nos.228 to 454 on 30.06.2025 respectively and the functionaries were directed to submit their applications manually rather than through an online portal. Accordingly, counselling was conducted on the dates mentioned above and the Petitioners had submitted their manual options indicating their choice of posting. Notwithstanding the options, on the same day, the impugned order of transfers vide Prodgs.No.A3/726086/2025 dated 30.06.2025 was issued effecting transfers of 455 candidates. Similarly in Krishna District, counselling was conducted for 476 people i.e. for Sl.Nos.1 to 250 on 28.06.2025 and for Sl.Nos.251 to 476 on 29.06.2025 and transfers were effected vide Rs.No.A1/05/2025 dated 30.06.2025 transferring 475 functionaries.

23. A reading of the letters issued by the public representatives would show that a number of functionaries were recommended

for transfer and the letters also mention the transferred places of posting of the recommended functionaries. These details were mentioned in tabulated statements in the letters. The number of functionaries recommended for transfer in Kurnool and Krishna Districts are exceptionally high. As regards other Districts, the numbers are not so high to the extent of vitiating the transfers.

24. The public representatives being the bridge between the executive and the employees, they can espouse the cause of the employees seeking transfer and can also recommend for transfer of employees. A similar view was taken by the Hon'ble Supreme Court in ***Mohd. Masood Ahmad v. State of U.P.***,⁴. Relevant portion of the judgment is extracted below:

‘...In our opinion, even if the allegation of the appellant is correct that he was transferred on the recommendation of an MLA, that by itself would not vitiate the transfer order. After all, it is the duty of the representatives of the people in the legislature to express the grievances of the people and if there is any complaint against an official the State Government is certainly within its jurisdiction to transfer such an employee. There can be no hard-and-fast rule that every transfer at the instance of an MP or MLA would be vitiated.’

⁴ 2007 (8) SCC 150

25. A similar view was reiterated by the Hon'ble Supreme Court in ***Sri Pubi Lombi v. The State of Arunachal Pradesh and others***⁵, but the question is the limits of such recommendation. One odd individual on genuine personal grounds and grounds akin there to can definitely be recommended for transfer by public representatives, however, the recommendations to the effect vitiating the very transfer guidelines cannot be sustained. In both the cases above, Hon'ble Supreme Court was referring to transfer of a solitary individual at the instance of public representative unlike in this case where a number of individuals totalling nearly 115 functionaries in erstwhile Kurnool District and 102 functionaries in erstwhile Krishna District were not only recommended for transfers, but their place of posting was also determined in the letters of the public representatives.

26. Though the learned Government Pleader contended that the transfers were effected as per the executive instructions issued vide G.O.Ms.No.5 dated 12.6.2025, however, did not dispute the fact that the individuals named in the letters of public representatives are transferred coincidentally to the very same

⁵ 2024 Supreme (SC) 225

place in the two districts referred above. It is one thing to say that transfer is the incidence of service and posting of individuals is best left to the administration and it is another thing to say that the postings in mass scale would be at the instance of the public representatives de hors the executive instructions. Such an approach would give an impression of parallel administration and abdication of duty to adhere to the transfer policy issued by Respondent No.1 vide G.O.Ms.No.23 dated 15.05.2025 read with G.O.Ms.No.5 dated 12.06.2025.

27. The attempt of the Respondent No.1 to bring in transparency in the transfers and quell favouritism apparently did not succeed in the case of erstwhile Kurnool and erstwhile Krishna Districts as the District Collector/Appointing Authority merely approved the recommendations without any reference to G.O.Ms.No.5 dated 12.6.2025 and remained a mute witness. The attempt of the Respondent No.1 to bring in transparency and minimise arbitrariness through the executive instructions vide G.O.Ms.No.5 dated 12.06.2025 in erstwhile Kurnool and erstwhile Krishna Districts was ignored by the transferring authorities.

28. As the majority of transfers in the erstwhile Kurnool and erstwhile Krishna Districts were effected on account of the letters issued by public representatives, they cannot be said to be in public interest and the restraint imposed on the Court from readily interfering with the transfers of employees cannot come to the aid of the Respondents.

29. Therefore, this Court is of the opinion that the transfers effected in erstwhile Kurnool and erstwhile Krishna Districts need to be re-considered by the Respondent-authorities in tune with the transfer policy and this Court has no other option but to direct the Respondent No.4-Appointing Authority to conduct fresh counselling and effect transfers in erstwhile Kurnool and erstwhile Krishna Districts in terms of G.O.Ms.No.5 dated 12.6.2025.

30. As regards the contention that the District Agricultural Officer does not have jurisdiction to issue impugned orders of transfer, this Court is not inclined to accept the same as the Joint Director of Agriculture was made the Appointing authority vide amendment to A.P. Agricultural Subordinate Service Rules, 1997 through G.O.Ms.No.35 A&C (Agri-IV) Dept. dated 30.01.2020. This amendment was followed up by G.O.Ms.No.31 dated

Finance (HR.I Plg&Policy) Department dated 26.2.2022 wherein it was stated that generic designation of District Agricultural Officer would be used instead of Joint Director of Agriculture. The impugned orders of transfer on this aspect are devoid of merit.

31. As regards other Districts, there is no material to substantiate the plea that transfers are *mala fide* or the number of recommendations for transfer of functionaries by the public representatives is so high to the extent of vitiating the transfers in the entire Districts in the light of the judgments of Hon'ble Supreme Court referred above.

32. Therefore, the batch of writ petitions is disposed of with following directions:

(i) The W.P.Nos.16981, 16982, 16984, 16986, 16987, 16997, 16999, 17002, 17004, 17050, 17541, 17549, 17852, 17864, 17865, 17872, 17873, 17878, 17882, 18126 and 18846 of 2025 pertaining to erstwhile Kurnool and erstwhile Krishna Districts are allowed.

(ii) The Respondent authorities shall conduct fresh counselling in terms of G.O.Ms.No.23 dated 15.05.2025 and G.O.Ms.No.5

dated 12.06.2025 with regard to erstwhile Kurnool and erstwhile Krishna Districts and effect transfers accordingly.

(iii) The W.P.Nos.16968, 17810, 17990, 18072 and 18750 of 2025 belonging to other Districts are dismissed.

(iv) No order as to costs.

As a sequel, pending applications, if any, shall stand closed.

Date: 11.08.2025
KLP

NYAPATHY VIJAY, J