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C.A.No. 6561-6562 OF 1995
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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TEM No.112 Court No. 9 SECTION XII A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 6561-6562/1995@@
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D. Surya Satyavathi Appellant (s)

VERSUS

Govt. of A.P. & Ors. Respondent (s)
(With Office Report)
With C.A. No. 9138/1995

Date : 19/03/2002 These appeals were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE S.N. PHUKAN
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s)
Mrs. K. Amareswari, Sr. Adv.
Mr. P. Venkat Reddy, Adv.
Mr. N. Sudhakaran, Adv.

Mr. Anil Kumar Tandale, Adv.

For Respondent (s)
Mr. Guntur Prabhakar, Adv. (N.P.)

Mr. T.V. Ratnam, Adv.
Mr. K. Subba Rao, Adv.

UPON hearing counsel the Court made the following
O R D E R

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.SP2

Mrs. K.Amareswari, learned senior counsel argued for about 25 minutes and Mr. T.V. Ratnam, learned counsel for the respondents for about 5 minutes.

The appeals are allowed with no costs in terms of the signed order placed below.

.SP1

Jatinder (Janki Bhatia)
Court Master
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA@@
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CIVIL APPELLATE JURISDICTION@@
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CIVIL APPEAL NOS. 6561-6562 OF 1995@@
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D. SURYA SATYVATHI APPELLANT (S)

-versus-

GOVT. OF A.P. & ORS. RESPONDENT(S)

O R D E R@@
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.SP2

These appeals by special leave are directed against the judgment of the Andhra Pradesh Administrative Tribunal in OA No. 609 of 1994 and subsequent orders passed rejecting the review applications. The appellant who was working as a lecturer in a college in Zone V was transferred to Zone VII by order dated 23rd December, 1992 issued by the government invoking the provisions of paragraph 5 (2) (c) of the Presidential Order issued under Article 371-D of the Constitution. This transfer order was assailed before the Tribunal by private respondent Nos. 3 to 5 herein. The Tribunal by the impugned order passed in the original application set aside the said transfer order and subsequent review petitions were also dismissed.

We have heard Mrs. K. Amareswari, learned senior counsel for the appellant and Mr. T.V. Ratnam, learned counsel for the respondent-State. Though notices were issued to the private respondents, they have not entered their appearances.

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The grievance of the private respondents, who were working as junior lecturer in Zone VII was that in view of the transfer of the appellant to Zone VII, their chances of promotion to the post of lecturer will be affected. We may state here that the transfer order was passed in public interest and one of the ground for it was that husband of the appellant was working in a non-transferable post in Zone VII.

The transfer order was issued in the year 1992 and thereafter the appellant joined the post of lecturer in Zone VII and she is still working. It has been stated at the bar that in the meantime the private respondents have also been promoted to the post of lecturer. As respondent No. 3 is working on the post of lecturer in Zone VII for about last 10 years, at this distance point of time it will not be in the interest of justice to quash the transfer order.

Accordingly these appeals are allowed by setting aside the impugned orders of the Tribunal. However, we keep the point of law open.

No cost.

.SP1

.....J
(S.N. PHUKAN)

.....J
(B.N. AGRAWAL)

New Delhi;
19th March, 2002.