

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

DBP.No. 157 of 2014 ()

(26TH PERIODICAL REPORT FOR THE PERIOD FROM 01.09.2014 TO
30.11.2014 AND 7TH ANNUAL REPORT FILED BY THE OMBUDSMAN FOR
TRAVANCORE AND COCHIN DEVASWOM BOARDS - SUO MOTU PROCEEDINGS
INITIATED)

PARTIES

1. TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY.
2. COCHIN DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY.
3. LOCAL FUND AUDIT,
TRAVANCORE DEVASWOM BOARD,
THIRUVANANTHAPURAM.
4. LOCAL FUND AUDIT,
COCHIN DEVASWOM BOARD,
THRISSUR.

R1 BY ADV.MVS NAMBOOTHIRI, SC FOR TDB
R2 BY ADV.V.KRISHNA MENON, SC FOR CDB
R3 & R4 BY ADV.A.RENJITH, SR.GOV'T.PLEADER
ADV.KRISHNAKUMAR MANGOT, AMICUS CURIAE FOR OMBUDSMAN

THIS DEVASWOM BOARD PETITION HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

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DBP No.157 of 2014
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Dated this the 3rd day of June, 2015.

O R D E R

Thottathil B.Radhakrishnan, J.

1. Twenty sixth periodical report of the learned Ombudsman is perused. It is the seventh annual report. The remarks made by the learned Ombudsman touch on matters pending consideration in DBP No.13 of 2014 which is based on Travancore Devaswom Board's Special Report No.5 of 2014. Matter relating to deficiency of employees is pending consideration in DBP No.79 of 2014 as well.
2. Insofar as Cochin Devaswom Board is concerned, the learned Ombudsman reports that though there are guidelines for transfers and postings of both temple employees and establishment employees, those guidelines are not followed and transfers are being made in both wings according to necessities and not on the basis of guidelines. What has been ascertained

and pointed out by the learned Ombudsman in relation to such action relating to transfers and postings is exceptionally unhealthy in management and administration. If transfers are to be made without the basis of the guidelines and according to necessity, there is no need to have guidelines for transfers and postings. Transparency and effective functioning of every establishment would be dependent upon, to a large extent, guiding rules to manage its own functions and employees. Guidelines for transfers and postings are, therefore, inevitable for every establishment. Once such guidelines are in place, the establishment is duty bound to follow those guidelines for transfers and postings, unless of course in exceptionally exceptional circumstances and requirement, based on administrative need, a deviation could be made. This is always understood to be available as an exclusionary clause based on management requirements, and if that becomes subject of challenge, the administrative requirement and need should be such as it would be available to be expressed before the appropriate adjudicator.

3. For the aforesaid reasons, it is ordered that the CDB shall henceforth ensure that the guidelines for all temple employees and establishment employees are followed and transfers are made in both wings only in accordance with those guidelines and in terms of what is stated above.

The other issues noted above are, as already noted, pending in DBP Nos.13 and 79 of 2014. A copy of the 26th periodical report for the period from 01.09.2014 to 30.11.2014 and 7th annual report filed by the learned Ombudsman shall be placed along with a copy of this order, in DBP Nos.13 of 2014 and 79 of 2014. Issues pending in those matters are left open and will be dealt with accordingly in those petitions. This DBP is ordered accordingly.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)