

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

OP(KAT).No. 19 of 2015 (Z)

AGAINST THE ORDER/JUDGMENT IN OA 1879/2014 of KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM (CAMP SITTING,
ERNAKULAM) DATED 07-10-2014

PETITIONER(S)/APPLICANT:

K.M.ABITHA BEEGUM, AGED 39 YEARS,
KOYICKAL HOUSE, VADATTUPARA P.O
PIN-686 694 PRESENTLY WORKING AS PHARMACIST GRADE II,
PRIMARY HEALTH CENTER THRIKKAKARA.

BY ADVS.SMT.K.P.SANTHI
SRI.RILGIN V.GEORGE
SMT.E.U.DHANYA

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
HEALTH DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR OF HEALTH SERVICES
THIRUVANANTHAPURAM - 695 001.
3. ADDITIONAL DIRECTOR OF HEALTH SERVICES
(MEDICAL), THIRUVANANTHAPURAM - 695 001.
4. DISTRICT MEDICAL OFFICER
ERNAKULAM - 682 011.

BY SRI.VIJU THOMAS, SR.GOVERNMENT PLEADER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP
FOR ADMISSION ON 05-02-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

OP (KAT) .No. 19 of 2015 (Z)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 - COPY OF ORIGINAL APPLICATION NO.1879 OF 2014

EXT.P2- COPY OF THE ORDER DATED 7-10-2014 IN OA NO.1879 OF
2014

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

.....
OP(KAT) No.19 of 2015
.....

Dated this the 5th day of February, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.We have heard the learned counsel for the petitioner, quite in extenso.
- 2.The petitioner challenges the dismissal of the application filed under the provisions of the Administrative Tribunals Act, 1985. She was appointed as a provisional hand under Rule 9(a)(i) of the KS&SSR in Idukky district. She worked as a provisional hand from 12.06.1997 to 02.09.1997. Thereafter, she was posted as Pharmacist Grade II in Primary Health Centre, Rajakkad from 05.09.1997 to 04.09.1998. Giving the benefit of general order regularising physically handicapped candidates, who worked provisionally between 01.01.1997 and 31.12.1997, the petitioner was re-appointed on 10.11.1998 as Pharmacist Grade II and, thereafter, she was regularised in service as per Annexure-A3

order dated 30.08.2000. While so, she sought inter-district transfer to Ernakulam District. That was granted on 02.01.2008, specifically stating the relevant provision that she would join as the junior most in the seniority list of the district to which she is being transferred on her request. She has availed the benefit of transfer and enjoyed it and is continuing in that station. Thereafter, when the seniority list of Ernakulam district was prepared, she wanted to agitate the seniority issue by contending that her inter district transfer should not be taken to have deprived her of due slot in the seniority list. The plea was that she initially belonged to Kuttampuzha village, which was later merged with Ernakulam district and, resultantly, she should be treated as a person originating from Ernakulam district and hence, the transfer is not an inter-district transfer. The Kerala Administrative Tribunal found that merger of Kuttampuzha village with Ernakulam district was sometime in 1996 and any claim on that basis is stale and cannot be considered. The Tribunal also concluded that otherwise she cannot turn around complaining

about the seniority after she had availed and enjoyed the benefit of the inter-district transfer. We see no error of jurisdiction or illegality having been committed by the Tribunal warranting visitation at our hands in exercise of power under Article 227 of the Constitution of India. This original petition fails.

In the result, this original petition is dismissed in limine.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)