

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

OP(KAT).No. 53 of 2015 (Z)

**AGAINST THE ORDER/JUDGMENT IN OA 129/2015 of KERALA
ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM DATED 13.02.2015**

PETITIONER(S):

**SALILBABU K.K, AGED 48 YEARS,
S/O.KOCHUCHERAKKAN, OVERSEER,
OFFICE OF SOIL CONSERVATION, CHANGANASSERY-686 101.
RESIDING AT THUSHARA, KALLIMEL P.O., MAVELIKKARA,
ALAPPUZHA-690 509.**

**BY ADVS.SRI.J.OM PRAKASH
SMT.NISHA BOSE**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR OF SOIL SURVEY AND SOIL CONSERVATION,
THIRUVANANTHAPURAM-695 036.**
- 3. DISTRICT SOIL CONSERVATION OFFICER,
DISTRICT OFFICE OF SOIL CONSERVATION,
KOTTAYAM-686 004.**
- 4. SOIL CONSERVATION OFFICER,
OFFICE OF SOIL CONSERVATION,
CHANGANASSERY KOTTAYAM-686 101.**
- 5. KUMARI ANITHA.B,
OVERSEER, OFFICE OF SOIL CONSERVATION, KANIAMBETTA,
WAYANAD-673 122.**

R BY GOVERNMENT PLEADER

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DG

OP(KAT).No. 53 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1- TRUE COPY OF THE ORIGINAL APPLICATION NO.OA (EKM) 129/2015
 ALONG WITH ANNEXURES.**

**EXT.P2- TRUE COPY OF THE MISCELLANEOUS APPLICATION NO.150/2015
 FILED BY THE APPLICANT.**

**EXT.P3- TRUE COPY OF THE ORDER DATED 13.2.2015 OF HON'BLE KERALA
 ADMINISTRATIVE TRIBUNAL**

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.**

O.P.(KAT).No.53 of 2015

Dated this the 26th day of February, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

Heard the learned counsel for the petitioner who filed an application before the Tribunal challenging an order of transfer. That order of transfer was on the specific ground that the petitioner is inefficient to continue in that station. The Tribunal noticed that if that fact situation is correct, there could be no two opinions as to the correctness of the decision taken by the head of office. If that is a matter to be challenged, that can be taken up before the higher authorities. Otherwise, exercise of administrative power in a colourable manner, or mala fide, will have to be established. The Tribunal rightly found that there is no element of such grounds existing in the challenge extended by the petitioner to the impugned

transfer. We see no jurisdictional error or legal infirmity in the impugned decision of the Tribunal. This original petition, therefore, fails.

In the result, this original petition is dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG