

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

OP(KAT).No. 62 of 2015 (Z)

AGAINST THE ORDER/JUDGMENT IN OA 2358/2014 of KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 31.12.2014

PETITIONER(S) :

K.T.MOHANAN AGED 50 YEARS
S/O.THANKAPPAN, VILLAGE ASSISTANT, TALUK OFFICE
KANJIRAPPALLY, KOTTAYAM-686 507, RESIDING AT KARAMELIL
CHERUTHONI, IDUKKI COLONY P.O., IDUKKI,
KERALA-685 602.

BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL
SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, KERALA-695 001.
2. THE COMMISSIONER OF LAND REVENUE
COMMISSIONER OF LAND REVENUE,
PUBLIC OFFICE BUILDING
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM,
KERALA-605 033.
3. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM, KERALA-686002.
4. THE DISTRICT COLLECTOR,
COLLECTORATE, CHERUTHONI, IDUKKI
KERALA-685602.

R BY SRI.S.JAMAL, SR.GOVERNMENT PLEADER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP
FOR ADMISSION ON 17-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

OP (KAT) 62/15

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF ORIGINAL APPLICATION IN O.A.NO.2358 OF 2014.

P2 : COPY OF ORDER DATED 31.12.2014 IN O.A.NO.2358/2014 ON THE
FILE OF THE KERALA ADMINISTRATIVE TRIBUNAL.

//TRUE COPY//

PA TO JUDGE.

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THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

.....
OP(KAT) No.62 of 2015
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Dated this the 17th day of March, 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. We have also heard the learned Senior Government Pleader.
- 2.Petitioner, going by the contents of Ext.P1, had been facing different disciplinary proceedings and, even now, a vigilance case is pending against him as VC 3/07/IDK. Yet, the materials show that he was promoted after reviewing the suspension order and re-admitting him to duty, with the passage of time. While doing that exercise, the Head of the establishment in its wisdom concluded that the petitioner should be posted somewhere in Kottayam district and in a non-sensitive post, which has only minimum opportunity for public contact. Thus, he has been ordered to be posted in the despatch section. As noted by the

Kerala Administrative Tribunal, the petitioner belongs to a category which is a state-wise cadre and, therefore, transferable anywhere in Kerala. The Tribunal, apparently, took the view that the situation in hand is a non-stigmatic one and the Government cannot be accused of having not reviewed the requirement to continue the petitioner in Kottayam district in the despatch section. The learned Tribunal has acted strictly in conformity with the provisions of the Administrative Tribunals Act, 1985, insofar as the jurisdiction is concerned. We see no illegality or jurisdictional error in the order of the Tribunal warranting interference in exercise of authority under Article 227 of the Constitution of India. This original petition, therefore, fails.

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

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)