

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

OP(KAT).No. 80 of 2015 (Z)

AGAINST THE ORDER/JUDGMENT IN OA 346/2015 of KERALA ADMINISTRATIVE
TRIBUNAL, THIRUVANANTHAPURAM

PETITIONER(S) :

1. RADHAJAYALAKSHMI
AGED 53 YEARS
W/O.VELUSWAMY RESIDING AT TEACHERS QUARTERS
MUNNAR P.D. TEACHER (TAMIL), G.A.T.P. SCHOOL
MUNNAR PIN-685612
IDUKKI DISTRICT MOBILE PHONE NO.9497545193.

2. R.PUSHPA LATHA,
AGED 43 YEARS
W/O.THAMBIDURAI RESIDING AT 8 ROOM LANE
HIGH RANGE CLUB ROAD
OLD MUNNAR P.D. TEACHER (TAMIL), G.A.T.P. SCHOOL
MUNNAR, PIN-685612, IDUKKI DISTRICT.

BY ADVS.SMT.P.RANI DIOTHIMA
SRI.S.JIJI

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2. DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DISTRICT EDUCATIONAL OFFICE
IDUKKI-685601.

BY SR.GOVERNMENT PLEADER SRI.JOSEPH GEORGE

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE ORIGINAL APPLICATION 346/2015.

EXHIBIT P2- TRUE COPY OF THE ORDER PASSED BY THE HON'BLE
ADMINISTRATIVE TRIBUNAL, KERALA IN O.A.346 OF 2015 DATED 27/02/2015.

EXHIBIT P3- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST
PETITIONER BEFORE THE 2ND RESPONDENT DATED 02/03/2015.

EXHIBIT P4- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND
PETITIONER BEFORE THE 2ND RESPONDENT DATED 02/03/2015.

RESPONDENT(S) ' EXHIBITS : NIL

/TRUE COPY/

P. A. TO JUDGE

**P.R. RAMACHANDRA MENON
&
BABU MATHEW P. JOSEPH, JJ.**

O.P.(KAT) No. 80 of 2015

Dated this the 22nd day of May, 2015

J U D G M E N T

Babu Mathew P. Joseph, J.

The petitioners were working as P.D. Teachers at the Government Anglo Tamil Primary School, Munnar. While so, they were transferred from that School to some other Schools. They have challenged their transfer before the Kerala Administrative Tribunal by filing O.A.No.346 of 2015. The learned Tribunal dismissed the O.A. by Ext.P2 order following the order passed by the Tribunal in O.A. No.298 of 2015 filed by a similarly placed Teacher. It is made clear in Ext.P2 order that if the present place of posting of the petitioners is inconvenient, they would be free to move the 2nd respondent by filing a representation. Accordingly, the petitioners preferred Exts.P3 and P4 representations before the 2nd respondent which are still pending. Learned counsel

for the petitioners submits that this Original Petition can be disposed of with a direction to the 2nd respondent to consider Exts.P3 and P4 representations on merits within a time frame. Learned Senior Government Pleader appearing for the respondents has no objection in considering those representations.

2. When this matter came up before this Court on 17.03.2015, an interim order has been passed to the effect that if the transfers impugned had not so far been given effect to, it should be held back until 22.05.2015. But, there is no dispute with regard to the fact that the transfers had taken effect before passing such an interim order by this Court. In the very same interim order, this Court directed the learned Government Pleader to get instructions in respect of the contents of Annexure A1 complaint in Ext.P1 preferred by the petitioners and others before the Assistant Educational Officer, Munnar. Learned Senior Government Pleader submits that Annexure A1

representation also will be promptly considered by the 2nd respondent by way of withdrawing that representation from the Assistant Educational Officer, Munnar. In view of the submissions so made by both the sides, this Original Petition is disposed of with the following directions:

- (1) The 2nd respondent shall consider and dispose of Exts.P3 and P4 representations preferred by the petitioners on merits within a period of one month from the date of receipt of a copy of this judgment. The 2nd respondent shall afford an opportunity of being heard to the petitioners before disposing of those representations as directed.
- (2) The 2nd respondent shall withdraw Annexure A1 representation submitted by the petitioners and others before the Assistant Educational Officer, Munnar, and consider the same on merits and dispose of the same within a period of two months from the date of receipt of a copy of this judgment. The 2nd respondent shall afford

an opportunity of being heard to the petitioners, Headmaster of the Government Anglo Tamil Primary School, Munnar against whom that complaint is preferred and the President of the Parents and Teachers Association of that School before disposing of Annexure A1.

3. The petitioners shall produce a copy of this judgment along with a copy of this Original Petition before the 2nd respondent for compliance.

This O.P.(KAT) is disposed of as above.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Sd/-

BABU MATHEW P. JOSEPH, JUDGE.