

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

OP(KAT).No. 101 of 2015 (Z)

AGAINST THE ORDER/JUDGMENT IN OA (EKM) 293/2015 of KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 12-03-2015

PETITIONER(S) :

EARNEST C. THOMAS, AGED 37 YEARS,
S/O C.P.THOMAN KUTTY, SECRETARY,
BLOCK PANCHAYAT (BLOCK DEVELOPMENT OFFICER)
BLOCK PANCHAYATH OFFICE ,
CHALAKKDY, THRISSUR DISTRICT-680 037
RESIDING AT CHIRAPARAMBIL HOUSE, CHRUVALOOR P.O.
KORATTY, VIA. THRISSUR, PIN:680 308,
(UNDER ORDERS OF TRANSFER AS BLOCK PROGRAMME OFFICER
KALPETTA, BLOCK PANCHAYAT, WAYANAD DISTRICT,
PIN:673 121, KERALA.

BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
KERALA-695001.
2. COMMISSIONER FOR RURAL DEVELOPMENT,
COMMISSIONERATE OF RURAL DEVELOPMENT,
SWARAJ BHAVAN
NANDANCODE, THIRUVANANTHAPURAM,
KERALA-695 011.
3. THE DISTRICT COLLECTOR
THRISSUR, COLLECTORATE, AYYANTHOLE
THRISSUR, KERALA-680 003.

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4. SHRI. K.T.VARGHESE
PRESIDENT, CHALAKKUDY BLOCK PANCHAYAT
BLOCK PANCHAYATH OFFICE,
CHALAKKUDY P.O., THRISSUR
KERALA-680 307.
5. SHRI V.SUKESH KUMAR,
BLOCK PROGRAMME OFFICER,
KALPETTA BLOCK PANCHAYAT
WAYANAD DISTRICT
PIN:673 121 (UNDER ORDERS OF TRANSFER
AS SECRETARY
BLOCK PANCHAYAT/BLOCK DEVELOPMENT OFFICER
BLOCK PANCHAYATH OFFICE, CHALAKKUDY
THRISSUR DISTRICT-680 037), KERALA.
6. ASSISTANT DEVELOPMENT COMMISSIONER (GENERAL)
CIVIL STATION, AYYANTHOLE, THRISSUR
KERALA-680 003.

BY SRI.S.JAMAL, SR. GOVERNMENT PLEADER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP
FOR ADMISSION ON 25-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

OP(KAT).No. 101 of 2015 (Z)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: COPY OF O.A.(EKM)NO.293/2015 FILED BY THE
PETITIONER BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL.

EXHIBIT P2: COPY OF THE ORDER PASSED BY THE KERALA
ADMINISTRATIVE TRIBUNAL DATED 12.3.2015 IN O.A.(EKM)
NO.293/2015.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

.....
OP(KAT) No.101 of 2015
.....

Dated this the 25th 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.
- 2.Under challenge is an order of the Kerala Administrative Tribunal refusing to interfere with transfer of the petitioner who is the Secretary of a Block Panchayat. He has been transferred from Chalakkudy to Kalpetta in Wayanad District.
- 3.Having seen the materials on record and the view of the learned Tribunal and having heard the learned counsel for the petitioner, we see that the situation could also be one where the petitioner faces the transfer as a result of difference of opinion between the

local MLA and the Block Panchayat and its president. But, as rightly noted by the learned Tribunal, the Government has transferred the petitioner in the exigencies of service. There is nothing stigmatic about it. He is not accused of any wrong which would visit him with disciplinary proceedings. The Tribunal was justified in saying that the continuance of the President and the Secretary, namely, the appellant, in the same Block Panchayat is against larger public interest and it is obvious that the President being an elected representative cannot be transferred. Therefore, the only way to ensure that exigencies of service is satisfied was to transfer out the petitioner. But, as rightly noted by the Tribunal, in the fitness of things, the Government has to find out, at the earliest, as to the mode by which the petitioner can be brought back to Thrissur District rather than force him to work in Wayanad District. The learned Tribunal has taken a pragmatic approach in considering different aspects of the matter. The impugned order of the Tribunal cannot be said to be arbitrary and we see no illegality in the order of the Tribunal. Therefore, we do

not find any reason to interfere with the decision of the Tribunal in exercise of authority under Article 227 of the Constitution of India.

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

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)

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