

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

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

**THE HONOURABLE MR.JUSTICE K.HARILAL**

**MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937**

**O.P(KAT).No. 106 of 2015 (Z)**  
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**AGAINST THE ORDER IN OA 363/2015 of KERALA ADMINISTRATIVETRIBUNAL,  
THIRUVANANTHAPURAM DATED 20-03-2015**

**PETITIONER(S)/APPLICANT:**  
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**S.SHEEBA, AGED 45 YEARS,  
PUBLIC HEALTH NURSE, TALUK HOSPITAL,  
FEROKE,  
KOZHIKODE 673 631.**

**BY ADVS.DR.K.P.SATHEESAN (SR.)  
SRI.M.R.JAYAPRASAD  
SRI.P.MOHANDAS (ERNAKULAM)  
SRI.ANOOP.V.NAIR  
SRI.S.VIBHEESHANAN  
SRI.N.MANU THAMPI**

**RESPONDENT(S):**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,  
HEALTH AND FAMILY WELFARE DEPARTMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.**
- 2. THE ADDITIONAL DIRECTOR OF HEALTH SERVICES,DIRECTORATE OF  
HEALTH SERVICES,  
THIRUVANANTHAPURAM 695 001.**

**BY SENIOR GOVERNMENT PLEADER SRI. S. JAMAL**

**THIS OP (KERALA ADMINISTRATIVE TRIBUNAL) HAVING COME UP FOR  
ADMISSION ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**P.T.O.**

OP(KAT).No. 106 of 2015 (Z)

**APPENDIX**

**PETITIONER(S)' EXHIBITS:**

- EXT.P1 TRUE COPY OF THE RELEVANT PAGES OF THE SERVICE BOOK OF THE PETITIONER.
- EXT.P2 TRUE COPY OF THE GOVERNMENT ORDER G.O(RT) NO 3844/2010/H & FWD DATED 27-09-2010.
- EXT.P3 TRUE COPY OF THE ORDER OF HON'BLE KERALA ADMINISTRATIVE TRIBUNAL DATED 20-03-2015 IN O.A NO 363/2015.
- EXT.P4 TRUE COPY O.A NO 363/2015 FILED BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL DATED 2-3-2015.
- EXT.P5 TRUE COPY OF THE M.A NO 581/2015 IN O.A NO 363/2015 DATED 6-3-2015
- ANNEXURE-A1 TRUE COPY OF THE ORDER NO.20/2012 DT. 23.08.2012
- ANNEXURE-A2 TRUE COPY OF THE ORDER NO.A4/15382/2011 DATED 06.11.2012 ISSUED BY THE DISTRICT MEDICAL OFFICER OF HEALTH, KOZHIKODE.
- ANNEXURE-A3 TRUE COPY OF THE NOTICE GIVEN TO THE APPLICANT BY THE 2ND RESPONDENT DATED 28.05.2014.
- ANNEXURE-A4 TRUE COPY OF THE EXPLANATION SUBMITTED BY THE APPLICANT TO THE 2ND RESPONDENT DATED 16.06.2014.
- ANNEXURE-A5 TRUE COPY OF THE FINAL ORDER NO.ES5/34680/14/DHS DATED 17.09.2014 ISSUED BY THE 2ND RESPONDENT.
- ANNEXURE-A6 TRUE COPY OF THE MEMORANDUM OF APPEAL FILED BY THE APPLICANT BEFORE THE 1ST RESPONDENT DT. 22.09.2014 WITHOUT DOCUMENT.
- ANNEXURE-A7 TRUE COPY OF THE ORDER NO.FW.A5-56350/12/DHS DATED 21.02.2015 ISSUED BY THE 2ND RESPONDENT.
- ANNEXURE-MA1 TRUE COPY OF THE ORDER NO.FW (SPL.CELL)84660/2006/DHS DATED 15.05.2007.

**RESPONDENT(S)' EXHIBITS: NIL**

**//TRUE COPY//**

**P.S. TO JUDGE**

**St/-**

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

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O.P.(K.A.T).No.106 of 2015  
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Dated this the 30<sup>th</sup> day of March, 2015

**JUDGMENT**

**Thottathil B.Radhakrishnan, J.**

We have heard the learned senior counsel appearing for the petitioner and the learned Government Pleader.

2. The petitioner sought an order interdicting her reversion, pending consideration of the appeal. As noted in paragraphs 3 and 4 of the order of the Tribunal, an order of stay of reversion will adversely affect any other eligible person for promotion. The learned Tribunal has very cautiously guarded all rights of the petitioner through the order impugned. It was ordered that if the applicant succeeds in the appeal and the reversion is found to be unjustified, she will be given all service benefits, including arrears of salary for the period she was reverted. Recovery proposed against her was also quashed for the reasons stated in paragraph 4 of the impugned Ext.P3 order of the Tribunal. We do not find

any infirmity or jurisdictional error in the decision of the Tribunal.

This original petition under Article 227, therefore, fails.

In the result, this original petition is dismissed.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN**  
**JUDGE**

Sd/-

**K.HARILAL**  
**JUDGE**

//true copy//

P.S. to Judge

St/-