

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

**PRESENT:**

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

**TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937**

**OP(KAT).No. 109 of 2015 (Z)**  
-----

**OA 847/2014 of KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM**  
.....

**PETITIONER(S):**  
-----

**J.D.SREEKALA, AGED 55 YEARS,  
W/O.V.VMOHANDAS, 44/2807(A), SANTHI NIKETHAN,  
ELAMKULAM, ASHOKA ROAD, KALOOR P.O,  
KOCHI-682017, WORKING AS DISTRICT REGISTRAR(AUDIT),  
COLLECTORATE, KOTTAYAM-686001.**

**BY ADVS.SRI.T.B.HOOD  
SMT.M.ISHA**

**RESPONDENT(S):**  
-----

- 1. SECRETARY TO GOVERNMENT,  
TAXES DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, KERALA-695001.**
- 2. GOVERNMENT OF KERALA,  
REPRESENTED BY SECRETARY TO GOVERNMENT,  
TAXES DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, KERALA-695001.**
- 3. K.C.MADHU,  
DISTRICT REGISTRAR (GENERAL),  
OFFICE OF THE DISTRICT REGISTRAR (GENERAL),  
ERNAKULAM, 682011, RESIDENT OF ANUGRAHA,  
NE WARD, PARUTHUMMUDY, VAIKKOM P.O,  
KOTTAYAM, KERALA-686041.**

**BY SR. GOVT. PLEADER SRI. S.JAMAL**

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR ADMISSION  
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**OP(KAT).No. 109 of 2015 (Z)**  
-----

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
-----

**EXT.P1 : TRUE COPY OF THE O.A.(EKM) 847/2014 ALONG WITH ANNEXURES.**

**EXT.P2 : TRUE COPY OF THE MISCELLANEOUS APPLICATION SUBMITTED BY THE  
PETITIONER TO DECLARE THE SERVICE OF NOTICE ON R3 ALONG WITH  
ANNEXURE.**

**EXT.P3 : TRUE COPY OF THE REPLY STATEMENT FILED BY R3 WITH ANNEXURES.**

**EXT.P4 : TRUE COPY OF THE REJOINDER FILED BY THE PETITIONER.**

**EXT.P5 : TRUE COPY OF THE ORDER DT.4-3-2015 PASSED BY THE TRIBUNAL IN OA (EKM)  
NO.847/14.**

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

**OKB**

**//TRUE COPY//**

**PA. TO JUDGE**

THOTTATHIL B. RADHAKRISHNAN & K. HARILAL, JJ.

-----  
O.P. (KAT) No.109 of 2015  
-----

Dated this the 31<sup>st</sup> day of March, 2015.

JUDGMENT

Thottathil B. Radhakrishnan, J.

1. We have heard the learned counsel for the petitioner and the learned Senior Government Pleader quite in extenso.
2. The petitioner challenges the refusal of the Kerala Administrative Tribunal to allow her original application seeking certain directions in relation to transfer and posting.
3. Petitioner is now working in the rank of District Registrar in the Department of Registration. The third respondent is also a District Registrar. He is now working in Ernakulam. Petitioner wants him to be shifted to Kottayam to facilitate her transfer to Ernakulam. Her plea was that she is due to retire by the end of July 2015 and she resides in Kaloor in Ernakulam. She pointed out that she suffers from lumbar spondylosis and a knee is affected with osteoporosis. She also claimed that she is senior

to the third respondent in service.

4. Though the Tribunal had earlier directed the Government to consider the claim of the petitioner, the Government did not come to her aid. It rejected her request. She challenged it before the Tribunal. The Tribunal noted that the third respondent is a member of a Scheduled Caste and has, therefore, a preference over the petitioner. It was also a matter of record that the third respondent's wife is also under medical treatment for retinal detachment and other connected problems with her eye. The most important plea the Tribunal noted was that the petitioner is a new promotee to the cadre of District Registrar while the third respondent had been in the rank of the District Registrar for quite some time. On comparative evaluation, the Tribunal did not find any way to interfere with the decision of the Government. We would also note that what the petitioner agitates is not a challenge against an order of transfer; but, she is attempting to prosecute a desire to get a transfer to a station of her choice on the premise that it is her home station. If that is to be ordered by upsetting a person who

is already in station, merely on the ground that he is in that station for more than three years, many other yardsticks including public interest and other elements will have to be considered. The Government having taken a comprehensive and cohesive look at the end of the matter, we cannot find any illegality or error of jurisdiction in the decision of the Tribunal, when it refused to interfere with the Government's decision. For the aforesaid reasons, we do not find any ground to interfere with the order of the Tribunal in exercise of jurisdiction under Article 227 of the Constitution. The original petition fails.

In the result, this original petition is dismissed.

Sd/-

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Sd/-

K. HARILAL, JUDGE

okb.