

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

OP(KAT).No. 197 of 2015 (Z)

AGAINST THE ORDER/JUDGMENT IN OA 2084/2014 of KERALA
ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM DATED 30-10-2014

PETITIONER(S)/APPLICANT:

KADEEJAMMA P.K. AGED 48 YEARS
(CHILD DEVELOPMENT PROJECT OFFICER, COCHIN, URBAN-II
UNDER ORDERS OF TRANSFER), W/O.A.ABDUL LATHEEF
PUTTHANPARAMBIL HOUSE, THEVARA P.O
ERNAKULAM DISTRICT - 682013.

BY ADVS.SRI.P.K.IBRAHIM
SMT.K.P.AMBIKA
SMT.A.A.SHIBI
SMT.M.K.SAMYUKTHA

RESPONDENT(S)/RESPONDENTS:

1. THE STATE OF KERALA
DEPARTMENT OF SOCIAL JUSTICE, SECRETARIAT
THIRUVANANTHAPURAM, PIN:695001
REPRESENTED BY ITS SECRETARY.

2. THE DIRECTOR OF SOCIAL JUSTICE
VIKAS BHAVAN, 5TH FLOOR, THIRUVANANTHAPURAM-33.

3. REMIGIUS V. FERNANDEZ
JOHNSY DALE, KOLLAM CUTCHERI P.O, KOLLAM
PIN-691 013, CHILD DEVELOPMENT OFFICER, ICDS
KOCHI URBAN-682 002, KERALA.

R1 AND R2 BY SENIOR GOVERNMENT PLEADER SRI. MUHAMMED SHAFI

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP(KAT).No. 197 of 2015 (Z)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 - TRUE COPY OF THE O.A. ALONG WITH ITS ANNEXURES

P2 - TRUE COPY OF THE ORDER DATED 30.10.2014 DISMISSING THE
O.A.NO.2084/2014 BY THE KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM.

P3 - TRUE COPY OF THE CERTIFICATE DATED 27.05.2015 ISSUED BY THE AMRITA
INSTITUTE OF MEDICAL SCIENCE, EDAPPALLY.

P4 - TRUE COPY OF THE REPRESENTATION DATED 06.05.2015 FILED BEFORE THE
1ST RESPONDENT.

P5 - TRUE COPY OF THE REPRESENTATION DATED 06.05.2015 FILED BEFORE THE
2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE

P.R. RAMACHANDRA MENON

&

K. RAMAKRISHNAN, JJ.

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O.P. (KAT) No. 197 of 2015

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Dated, this the 18th day of June, 2015

JUDGMENT

Ramachandra Menon, J.

The petitioner has approached this Court challenging the correctness and sustainability of Ext. P2 order dated 30.10.2014 (date shown on the facing sheet appears to be typographical error).

2. The grievance is mainly with regard to the transfer from the present post of Child Development Project Officer at Thevara to the ICDS Edappally. The sequence of events as narrated in the original petition shows that the petitioner, while working as Child Development Project Officer at Cochin, Urban II was ordered to be transferred to Vazhakkulam, as per Annexure A2 order dated 18.07.2014. Petitioner filed a representation and approached the Kerala Administrative Tribunal by filing O.A. No. 2084 of 2014, which was disposed of as per Ext. P2 order, whereby the said representation was directed to be considered. After considering the same, Annexure A7 order was passed, whereby the grievance projected by the petitioner with reference to the disease of carcinoma suffered by her was considered favourably and the petitioner was given a

posting at Edappally. This was challenged before the Tribunal by filing O.A. No. 2084 of 2014, also challenging Annexure A2 order passed earlier. The case of the petitioner is that, by virtue of the disease of the petitioner, she is not in a position to travel much. Reference is also made to Ext. P3 medical certificate dated 27.05.2015. It is stated that petitioner has already moved the Government by filing Ext. P4, to retain her at Thevara itself. It is stated that no prejudice whatsoever will be caused to the 3rd respondent, who is a native of Kollam, if she is accommodated in the concerned post at Edappally or elsewhere so as to retain the petitioner at Thevara.

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader.

3. On going through the pleadings and proceedings, it is evident that the representation preferred by the petitioner before the Government was admittedly considered, pursuant to the order passed by the Tribunal in O.A., and it was accordingly that the petitioner was accommodated in the post at Edappally. It is in the said circumstances, that O.A. No. 2084 of 2014 was dismissed by the Tribunal, however making it clear that it was still open for the petitioner to move the Government projecting the grievance once

again. It was also made clear that, if any such application was filed, it should be considered by the Government within the time specified therein. It is also remains a fact that the petitioner has moved the Government by filing Ext. P4. Ext. P5 is a representation dated 06.05.2015 preferred before the second respondent. The necessity to have Ext. P4 representation to be considered is already covered by Ext. P2 judgment and as such, nothing further remains to be considered.

It is for the petitioner to move the Tribunal if there is any violation of the order already passed vide Ext. P2. All the contentions are left open and the Government is at liberty to consider all the aspects projected by the petitioner vide Ext. P4 and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner and the 3rd respondent.

Original petition stands disposed of.

sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

sd/-

**K. RAMAKRISHNAN,
(JUDGE)**

kmd