

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

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

**OP (KAT) .No. 203 of 2015 (Z)**  
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(AGAINST THE ORDER/JUDGMENT IN OA 339/2015 of KERALA  
ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM DATED 27-02-2015)

PETITIONER(S)/PETITIONER:  
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REMA.K, AGED 45 YEARS  
W/O.ANIYANKUNJU, KIZHAKKEVEETIL, PALATTU ROAD  
OTTAPPALAM, PALAKKAD DISTRICT  
NOW WORKING AS OFFICE ATTENDENT  
SUB REGISTRAR OFFICE, PATTAMBI.

BY ADVS.SRI.C.R.SIVAKUMAR  
SMT.K.G.NISHAMOL  
SRI.ELDHO MATHEW

RESPONDENT(S)/RESPONDENTS:  
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1. THE STATE OF KERALA,  
REPRESENTED BY THE SECRETARY, TAXES (E) DEPARTMENT  
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.
2. THE INSPECTOR GENERAL OF REGISTRATION,  
OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION  
THIRUVANANTHAPURAM, PIN-695001.
3. THE DISTRICT REGISTRAR (GENERAL)  
OFFICE OF THE DISTRICT GENERAL OFFICE,  
THIRUVANANTHAPURAM
4. THE SUB REGISTRAR,  
OFFICE OF THE SUB REGISTRAR, OTTAPPALAM  
PALAKKAD DISTRICT.
5. LASSY.B,  
OFFICE ATTENDANT, SUBN REGISTRAR OFFICE, OTTAPPALAM  
PALAKKAD, PIN-679101.

BY SR. GOVERNMENT PLEADER MR. M. MOHAMMED SHAFI

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR  
ADMISSION ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

OP(KAT).No. 203 of 2015 (Z)

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APPENDIX

PETITIONER(S) ' EXHIBITS

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EXT. P1 THE TRUE COPY OF THE O.A.339/2015 FILED BY THE PETITIONER  
BEFORE THE HON'BLE ADMINISTRATIVE TRIBUNAL AT TRIVANDRUM DATED  
23/02/2015

EXT. P2 THE TRUE COPY OF THE ORDER IN O.A.339/2015 BEFORE THE HON'BLE  
ADMINISTRATIVE TRIBUNAL AT TRIVANDRUM DATED 27.02.2015

EXT. P3 THE TRUE COPY OF THE COMPLAINT DATED 03.03.2014

EXT. P4 THE TRUE COPY OF THE COMMUNICATION DATED 05/01/2015

EXT. P5 THE TRUE COPY OF THE INFORMATION GIVEN BY THE STATE  
INFORMATION OFFICER DATED 15/10/2014.

RESPONDENT(S) ' EXHIBITS

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/TRUE COPY/

P.S. TO JUDGE.

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

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**O.P.(KAT)No.203 OF 2015**  
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**Dated this the 25<sup>th</sup> June, 2015**

**J U D G M E N T**

**P.R. Ramachandra Menon, J:**

Interference declined by the Kerala Administrative Tribunal with regard to the challenge raised by the petitioner in respect of the transfer from Ottappalam to Pattambi, as ordered vide Annexure A2 is the issue under challenge in this Original Petition.

2. Petitioner, a permanent resident of Ottappalam was working as Office Attendant in the SRO, Pattambi from 09.05.2012 to 02.08.2012. She was subsequently transferred and posted in the SRO, Ottappalam as per Annexure-A1 and was continuing as above. But without even permitting the petitioner to complete the minimum tenure of three years, she was shifted from the said place and transferred back to Pattambi as per Annexure-A2 order dated 25.07.2014 mainly stating that

deployment of a male office attendant was necessary in the office of SRO, Ottappalam as per the directions/instructions issued by the Inspector General(Registration); that she had already completed 4 years' of service in the concerned office and further that there was some complaint against her. The petitioner filed Annexure-A3 objection before the first respondent/State, referring to the actual facts and figures. The petitioner also approached the KAT challenging the order of transfer by filing O.A. 1495 of 2014, which was disposed of as per Annexure-A4 order, directing the first respondent to consider the representation preferred by the applicant and to have it finalised affording an opportunity of hearing to the petitioner and also the person by name Lassy.B., who has been transferred from SRO, Agaly to Ottappalam, which post the petitioner was holding at the time of transfer.

3. It is seen from the proceedings that, based on Annexure-A4, the first respondent/State considered the matter and passed Annexure-A5 order dated 22.11.2014 declining interference and rejecting the representation preferred by the

petitioner. With intent to substantiate the facts and figures, the petitioner approached the concerned authorities by resorting to the remedy under the RTI Act and procured necessary data, copies of which have been produced as Annexures-A6 to A9 and as Exts.P3 to P5, produced along with I.A.No.8746 of 2015.

4. The petitioner approached the Tribunal again, by filing O.A. No.339 of 2015 challenging Annexure- A5 order passed by the Government. But referring to the sequence of events, the Tribunal found that there was no tenable ground to call for interference and the O.A. was dismissed as not maintainable. This in turn is under challenge in this Original Petition.

5. Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents 1 to 4.

6. The learned Counsel for the petitioner points out that the factual position has not been properly appreciated by the Government or the Tribunal while passing the orders under challenge. It is contended that when the petitioner was transferred from Ottappalam to Pattambi, another person by name Prameela was working there from 08-04-2010 and as such,

the alleged requirement of the presence of a male attendant, in tune with the instructions issued by the IG of Registration is not seen satisfied. The respondents' version in Annexure A2 order is that, the petitioner was continuing in the office at Ottappalam for the last four years but for a short spell of 3 months when she was posted in Pattambi and re-transferred to the said office as per Annexure A1 order dated 01.08.2012.

7. The learned Counsel for petitioner submits that the authorities were in fact carried away by the complaint preferred against the petitioner, for ordering transfer; which infact is stated as a frivolous one. Reliance is sought to be placed by the petitioner on Ext.P5 report of the IG (Registration), whereby the complaint raised against her at the instance of one Rajakumari (who is stated as a document writer) was dealt with and it was held as absolutely without any pith or substance, which hence could be dismissed; however pointing out the necessity to give timely training to all the staff of the department so as to have good deal with general public for future guidance.

8. The alleged existence of complaint against the petitioner

(raised as a ground for transfer vide Annexure A2) could not have been a valid ground, in the light of Ext.P5; which aspect has not been considered by the Government . It is stated that pursuant to Annexure A2 order, the petitioner has joined duty at SRO, Pattambi. But the matter requires to be reconsidered by the Government with reference to the facts and figures and the eligibility of all the persons concerned with reference to relative rights and liberties to continue in the concerned office. Accordingly, the first respondent/State is directed to reconsider the matter after affording an opportunity of hearing to the petitioner, the 5<sup>th</sup> respondent/Lassy B., and other interested parties, if any, which shall be done at the earliest, at any rate, within three months from the date of receipt of a copy of the judgment. The verdict passed by the Tribunal will stand modified only to the above limited extent. It is made clear that this Court has not expressed anything with regard to the relative rights of the parties, if any, and it is open for the first respondent to consider all the relevant aspects at the time of finalisation of the issue. Annexure-A5 will stand modified, to the appropriate

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extent, if the outcome of reconsideration turns to be in favour of the petitioner.

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

**BABU MATHEW P. JOSEPH,  
JUDGE.**

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