

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**

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

OP(KAT).No. 274 of 2015 (Z)

**AGAINST THE JUDGMENT IN OA 1027/2015 of KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM DATED 24-06-2015**

PETITIONER(S)/APPLICANT:

**DR. V.P.MOHANDAS AGED 47 YEARS
S/O.R.SANKUNNI
WORKING AS ASSOCIATE LECTURER IN MECHANICAL ENGINEERING
GOVERNMENT ENGINEERING COLLEGE, WAYANAD
THALAPPUZHA PO
WAYANAD DISTRICT-670 644 (RESIDING AT KOWSTHUBHAM
PARAKKAL, KALPATTU NORTH PO, WAYANAD DISTRICT-673 122)**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR
SMT. SHARMILA K.S.**

RESPONDENT(S)/RESPONDENTS:

- 1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
HIGHER SECONDARY DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. DR.LIJO V.
ASSOCIATE PROFESSOR IN MECHANICAL ENGINEERING
GOVERNMENT ENGINEERING COLLEGE, THRISSUR
RAMAVARMAPURAM
THRISSUR DISTRICT-690 009 (NOW UNDER ORDERS OF
TRANSFER TO GOVERNMENT ENGINEERING COLLEGE
WAYANAD, THALAPPUZHA PO, WAYANAD DISTRICT-670 644)**
- 3. THE KERALA ADMINISTRATIVE TRIBUNAL
THIRUVANANTHAPURAM-695 035
REPRESENTED BY ITS REGISTRAR**

R BY GOVERNMENT PLEADER

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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OP(KAT).No. 274 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : THE TRUE COPY OF THE ORDER IN OA.NO.1027/2015 DATED 24-6-2015
OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM
BENCH.
- P2: THE TRUE COPY OF THE ORIGINAL APPLICATION FILED BEFORE THE
TRIBUNAL ALONG WITH ANNEXURES.
- P3 : THE TRUE COPY OF THE LETTER NO.E1/MISC/2015 DATED 10-6-2015.
- P4 : THE TRUE COPY OF THE LETTER NO.EA1/13466/15/DTE DATED 4-8-2015.
- P5 : THE TRUE COPY OF THE MEDICAL CERTIFICATE OF PETITIONER'S WIFE

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

avk

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

O.P.(KAT).No.274 of 2015

Dated this the 12th day of August, 2015

JUDGMENT

P.R.RAMACHANDRA MENON, J

Annexure A1 order transferring the service of the petitioner herein, from the post of Associate Professor in Mechanical Engineering, Government Engineering College, Wayanad to a similar post in the college in Idukki was sought to be challenged by filing O.A.No.1027/2015, raising various grounds. It was also brought to the notice of the Tribunal that the grievance of the petitioner had been projected by way of Annexure A2 representation preferred before the 1st respondent. It was accordingly, that the matter was disposed of by the Tribunal as per Ext.P1 order dated 24.6.2015, directing the 1st respondent to consider and pass appropriate orders on Annexure A2 after affording an opportunity to the applicant, at the earliest at any rate within 2 months as specified. Since the order of transfer has not been directed to be kept in abeyance till such time, the petitioner is constrained to move this Court by filing the present original petition.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader appearing for respondents 1 and 2.

3. The case projected by the petitioner is that, he has been shifted from the college in Wayanad to Idukki only to accommodate the 2nd respondent herein, which according to the petitioner is not correct and proper. It is also stated that norms regarding the transfer have not been satisfied. It is further pointed out by the learned counsel that even after accommodating the 2nd respondent against the post of Associate Professor in the concerned college in Wayanad, yet another post is lying vacant and that the petitioner might be permitted to continue there, as no prejudice or harm will be caused to anybody in this regard.

4. The learned Government Pleader submits on instructions that the transfer was made only by virtue of administrative exigency. There is no specific plea of malafides, nor is there any attempt from the part of the petitioner to have it substantiated. The learned Government Pleader further points out that availability of another vacancy in Wayanad is true, but the fact remains that no Associate Professor is available in the concerned college in Idukki, as the petitioner has not joined there so far. If both the available posts of Associate Professor in Idukki are left as such, it will be detrimental to the rights and interest of the students in the college in Idukki and hence seeks to sustain the transfer.

5. After hearing both the sides, this Court finds that the organizational requirement is a matter for the Government to consider and as such, this Court does not intend to express anything

in this regard. In so far as, the grievance of the petitioner has already been projected by way of Annexure A2 which has been directed to be considered by the 1st respondent within the time as specified and further since, one vacancy after accommodating the 2nd respondent pursuant to Annexure A1 order is still available in the college in Wayanad, this Court finds it fit and proper to direct the 2nd respondent to maintain 'status quo' with regard to the transfer of the petitioner ordered as per Annexure A1, till the matter is finalized by the Government as per the direction given by the Tribunal. The 1st respondent is directed to finalize the proceedings as above within the specified time and 'status quo' shall be maintained till sustained. The original petition is disposed of accordingly.

**Sd/-
P.R.RAMACHANDRA MENON
JUDGE**

**Sd/-
BABU MATHEW P.JOSEPH
JUDGE**

//TRUE COPY//

PA TO JUDGE

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