

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH**

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

OP(KAT).No. 373 of 2015 (Z)

**AGAINST THE ORDER/JUDGMENT IN OA 2079/2015 of KERALA ADMINISTRATIVE
TRIBUNAL, THIRUVANANTHAPURAM DATED 30.11.2015**

PETITIONER/PETITIONER:

**A. GIRISHKUMAR, AGED 37 YEARS,
ASWATHI BHAVAN, KSRA 99, KUNNURSALA ROAD,
KACHANI, KARAKULAM P.O., THIRUVANANTHAPURAM - 695 541.**

**BY ADVS.SRI.SHABU SREEDHARAN
SRI.S.VIJAYAN
SRI.K.P.UNNIKRIISHNAN (ELOOR)
SRI.P.R.VIBHU
SRI.K.V.PREMSANKAR
SMT.RESHMA ABDUL RASHEED**

RESPONDENTS/RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY
TAXES (E) DEPARTMENT, GOVERNMENT SECRETAIRAT
THIRUVANANTHAPURAM - 695 001.**
- 2. INSPECTOR GENERAL OF REGISTRATION
OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION
VANCHIYOOR, THIRUVANANTHAPURAM - 695 035.**
- 3. SANJEEV S
HEAD CLERK, OFFICE OF THE HEAD REGISTRAR (G)
FORT P.O., THIRUVANANTHAPURAM - 695 023.**
- 4. DEEPA S
HEAD CLERK, SUB REGISTRAR OFFICE, PERUNKADAVILA
THIRUVANANTHAPURAM - 695 124.**

R1 & R2 BY GOVERNMENT PLEADER SRI.P.M.SANEER

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

OP(KAT).No. 373 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- THE TRUE COPY OF THE OA NO. 2079/2015 BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL ALONG WITH THE ANNEXURES A1 TO A4 DT. 25.11.2015.

P2 - THE CERTIFIED COPY OF THE ORDER IN OA NO. 2079/2015 DT. 30.11.2015 PASSED BY THE KERALA ADMINISTRATIVE TRIBUNAL.

RESPONDENT(S)' EXHIBITS NIL

/TRUE COPY/

P.A. TO JUDGE

VPV

P.N.RAVINDRAN & BABU MATHEW P. JOSEPH, JJ.

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O.P.(K.A.T.)No.373 of 2015

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Dated this the 18th day of December, 2015

JUDGMENT

P.N.Ravindran, J.

The petitioner, an Upper Division Clerk working in Sub Registrar's Office, Karakulam, was transferred by Annexure A1 order dated 23.11.2015 issued by the Inspector General of Registration to the Sub Registrar's Office, Perunkadavila. Such a transfer was necessitated consequent on the transfer of the third respondent from the Sub Registrar's Office, Perunkadavila to the Office of the District Registrar (General), Thiruvananthapuram and the consequential transfer of the fourth respondent from the District Registrar's Office, Thiruvananthapuram to the Sub Registrar's Office, Karakulam. Challenging that order he filed O.A.No.2079 of 2015 before the Kerala Administrative Tribunal. The Kerala Administrative Tribunal declined to interfere with the order of transfer on the ground that the petitioner has already filed an appeal before the State Government. The petitioner has, aggrieved thereby, filed this original petition under article 227 of the Constitution of India.

2. When this original petition came up for consideration today, learned counsel appearing for the petitioner submitted that the Government have, acting on the appeal, filed by the petitioner suspended the operation of the order of transfer but in the meanwhile the transfer order was implemented. The learned counsel submitted that in such circumstances, as the Government have thought it appropriate to suspend the order of transfer, the status quo as it obtained on 30.11.2015 may be restored till the Government disposes of the appeal.

3. The transfer of the petitioner is from Karakulam to Perunkadavila, which is approximately 15 Kms away. The question whether there were reasons justifying the transfer of the petitioner is a matter which will have to be considered by the Government in appeal. An appeal is admittedly pending before the Government. Such being the situation, as the order of transfer was implemented before the Government kept the order of transfer in abeyance, we are of the opinion that proper course will be to direct the Government to expedite the hearing of the appeal instead of tinkering with the order of transfer at this stage.

We accordingly dispose of this original petition with a direction to the Government to dispose of the appeal filed by the petitioner challenging the order of transfer, expeditiously and in any event within

one month from the date on which the petitioner produces a copy of this judgment before the Secretary to Government, Taxes Department. It will also be open to the petitioner to move the Government for giving effect to the order passed by it, keeping the order of transfer in abeyance, pending disposal of the appeal. The Government shall before disposing of the appeal, afford the petitioner and respondents 4 and 5 an opportunity of being heard and shall after orders are passed, communicate copies thereof to all the parties.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**