

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WA.No. 1871 of 2009 ( ) IN WP(C).2018/2009

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AGAINST THE JUDGMENT IN WP(C) 2018/2009 DATED 22.5.2009  
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APPELLANT(S)/RESPONDENTS IN WPC :-  
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1. THE DIRECTOR, DIRECTORATE OF ANIMAL HUSBANDRY,  
THIRUVANANTHAPURAM.
2. THE DISTRICT ANIMAL HUSBANDRY OFFICER,  
ALAPPUZHA.

BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

RESPONDENT(S)/PETITIONER IN THE WPC :-  
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SHIJU.V.,  
LIVE STOCK INSPECTOR GRADE II,  
VETERINARY HOSPITAL, CHALAKUDY.

BY ADV. SRI.V.A.MUHAMMED  
BY ADV. SRI.V.RAJASEKHARAN NAIR  
BY ADV. SRI.K.K.M.SHERIFF

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 21-12-  
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &  
A.M. SHAFFIQUE, J.**

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**W.A. No.1871 of 2009**  
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**Dated this the 21<sup>st</sup> day of December 2015**

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

**Shaffique, J.**

This writ appeal has been filed by the respondents in W.P.(C) No.2018 of 2009 challenging the judgment dated 22.5.2009, by which, the learned Single Judge directed the first respondent to issue orders giving the petitioner a posting in Alappuzha District in implementation of Ext.P1 order issued by him. While impugning the aforesaid judgment, it is argued by the learned Government Pleader appearing on behalf of the appellants that only 10% of the vacancies arising in the District in an year in a category in a department is reserved for inter-District transferees. The petitioner is the third person, who got transfer as Livestock Inspector to Alappuzha District and waiting for posting. The posting can be given only if there is any vacancy in the aforesaid 10% vacancies. That apart, the seniority of others in the queue cannot be overlooked by the Department.

2. On the other hand, the learned counsel appearing for the respondent, supporting the stand taken by the learned Single

Judge, contended that when Ext.P1 was issued, there was no reason for denying posting, especially, when sufficient vacancies are available.

3. The learned Single Judge had taken note of the fact that when the Director of Animal Husbandry had permitted the petitioner's transfer from Thrissur to Alappuzha District, there is no reason for denying posting to the petitioner. That apart, it is observed that one Smt.R.Thulasi, who was Sl.No.6 in the list, was transferred to Alappuzha District from Wynad by way of inter-District transfer.

4. It is apparent from Ext.P1 that necessary orders had already been passed by the Director of Animal Husbandry. Further, Ext.P1 would clearly indicate that the respondent shall relieve from Thrissur only on getting necessary posting orders issued by the District Animal Husbandry Officer, Alappuzha. As rightly contended by the learned Government Pleader, posting can be given only when vacancy arises, that too, with respect to 10% vacancies designated for inter-district transferees. We only observe that necessary consequential orders shall be passed

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-: 3 :-

pursuant to Ext.P1 based on the availability of vacancies in the Alappuzha District.

With the above observation, this writ appeal is dismissed.

**Sd/-  
ASHOK BHUSHAN  
CHIEF JUSTICE**

**Sd/-  
A.M. SHAFFIQUE  
JUDGE**

//TRUE COPY//

P.A. TO JUDGE

Jvt/21.12.2015.