

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WA.No. 1311 of 2015 () IN WP(C).16215/2015

AGAINST THE JUDGMENT IN WP(C) 16215/2015 DATED 15-06-2015

APPELLANT(S)/PETITIONER :-

AMBILI MOHAN,
DEPUTY MANAGER,
VEGETABLE AND FRUIT PROMOTION COUNCIL KERALAM
(VFPC) TRAINING VENUE, SDM BUILDING,
KOMALLOOR POST, KARIMULAKKAL, ALAPPUZHA DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S)/RESPONDENTS :-

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. CHIEF EXECUTIVE OFFICER,
VEGETABLE AND FRUIT PROMOTION COUNCIL, KERALAM
NEAR DOORDARSHAN KENDRA,
KAKKANAD, KOCHI - 682 037.

R1 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS
R2 BY SRI.S.M.PRASANTH, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
24-06-2015 ALONG WITH W.A.No.1312/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, CJ
&
P.R.RAMACHANDRA MENON, J**

W.A.Nos. 1311 and 1312 of 2015

Dated this the 24th June, 2015

JUDGMENT

Ashok Bhushan, CJ.

These two Writ Appeals have been filed against the common judgment dated 15.6.2015 in W.P(C).Nos.16088, 16105, 16106 and 16215 of 2015. The appellants had filed W.P(C).Nos. 16106 and 16215 of 2015 challenging Exhibit P2 order of transfer by which they were transferred from Alappuzha district to Palakkad/Idukki districts. Learned counsel for the appellants, challenging the transfer order, submits that the transfers are in violation of Chapter XX of Part A of the Staff Regulation. He has specifically referred to Clauses 5 and 6 of Chapter XX of the Staff Regulation. He submits that in spite of the judgment of a Single Judge of this Court in W.P(C).No.14715 of 2013 dated 17.10.2013 directing the respondents to complete the process of

settlement of seniority of employees in different categories under the second respondent, the seniority of the staff has not yet been finalised, which is causing prejudice to them regarding effecting the transfer or in making request for transfer.

2. We have considered the submissions made by learned counsel for the appellant and learned Standing Counsel for the second respondent and perused the records.

3. The learned Single Judge has considered all the submissions raised by the appellants and found that the transfers have been effected in the exigency of service and to meet the shortage of staff at the area where they have been transferred. The submission of learned counsel for the appellants based on Chapter XX also does not help the appellants in the present case. Clause 5 of Chapter XX is applicable in case of any contingency for reduction of staff in a unit. Present is not such a case. Clause 6 is regarding the transfer request of employees, who are

working in the same area and have completed the stipulated service. Present is not a case of any transfer on request of the employee. Therefore, those two clauses have no relevance in the present case. It is well settled that if the transfer is not in exigency of service and unless it is vitiated by mala fide or passed in violation of the statutory provision, this Court in exercise of writ jurisdiction does not interfere with the transfer order. Present is not a case where transfers are alleged to be passed in violation of any statutory provision or actually by mala fide. Therefore, we are not inclined to interfere with the judgment of the learned Single Judge. The Writ Appeals are dismissed.

Sd/-

**ASHOK BHUSHAN
CHIEF JUSTICE**

Sd/-

**P.R.RAMACHANDRA MENON
JUDGE**

vgs24/6/15