

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 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WA.No. 1727 of 2015

JUDGMENT DATED 09-06-2015 IN WP(C) 35559/2014
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APPELLANT(S)/PETITIONER:

**NARAYANAN NAMBEESAN, AGED 53 YEARS,
VADAKKE PATTATHU HOUSE, PORATHISSERY,
IRINJALAKUDA NORTH, THRISSUR DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S)/RESPONDENTS:

- 1. COCHIN DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY.**
- 2. THE SPECIAL DEVASWOM COMMISSIONER,
COCHIN DEVASWOM BOARD, THRISSUR.**
- 3. THE ASSISTANT COMMISSIONER,
COCHIN DEVASWOM BOARD, THIRUVANCHIKULAM GROUP,
KODUNGALLUR.**
- 4. RANJITH WARRIER K.V., VADAKKE WARRIAM,
RADHA SADANAM, SMV ROAD, IRINJALAKUDA,
THRISSUR DISTRICT.**

**BY ADVS. SMT.SREEKALA KRISHNADAS
SRI.KRISHNA MENON, SC**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.A.No.1727 of 2015

Dated this the 17th day of August 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the appellant, the learned counsel appearing for respondents 1 to 3 and the learned counsel appearing for the 4th respondent.

2. This writ appeal has been filed against the judgment dated 09/06/2015 in W.P.C.No.35559/2014. The writ petition was filed by the appellant challenging orders Exts.P3 and P5, by which the 4th respondent was transferred at the temple where the petitioner is working in the post of 'Vilakkupidy'. By Ext.P5, the petitioner has been sent on daily wage basis where the 4th respondent was working as 'Vilakkupidy'. Petitioner, aggrieved by the said order, has come up in the writ petition. Petitioner's case in the writ petition was that the 4th respondent was removed from his daily wage position and he could not have been transferred at the temple where the petitioner was working and it is submitted that the petitioner ought not to have disturbed to accommodate the 4th respondent. The learned Single Judge dismissed the writ petition holding that no grounds have been made out to interfere

in the proceedings since the transfer order is not even shown to be mala fide or there is non-compliance of any statutory norms. The grievance which are raised by the petitioner are grievances which could have been looked into by the authorities themselves.

3. We are of the view that in the facts and circumstances of the case, justice would be served in giving liberty to the petitioner to represent the matter before the 2nd respondent, who shall look into the grievance.

4. Learned counsel appearing for respondents 1 to 3 submits that the petitioner has not yet joined at his transferred place whereas the 4th respondent has already joined.

Be that as it may, it is for the 2nd respondent to look into all aspects of the matter and take appropriate decision. In view of the above, we dispose of the writ appeal giving liberty to the appellant to represent the matter to the 2nd respondent, who shall look into the same and take appropriate decision.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

