

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN**

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WA.No. 1764 of 2015 () IN WP(C).13011/2015

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AGAINST THE JUDGMENT IN WP(C) 13011/2015 of HIGH COURT OF KERALA
DATED 24-06-2015**

APPELLANT/PETITIONER IN WPC:

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T.N.UNNIKRISHNAN, AGED 52 YEARS,
S/O. T.S.NARAYANAN, 'KARTHIKA', CHENDAMANGALAM,
NORTH PARAVUR, ERNAKULAM DISTRICT.**

BY ADV. SRI.R.SREERAJ

RESPONDENT/RESPONDENTS IN WPC:

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- 1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF CHEMICALS AND FERTILIZERS,
SHASTRI BHAVAN, NEW DELHI, PIN-110 001.**
 - 2. THE FERTILIZERS AND CHEMICALS TRAVANCORE LIMITED,
(A GOVERNMENT OF INDIA ENTERPRISES),
REPRESENTED BY CHAIRMAN AND MANAGING DIRECTOR,
UDYOGAMANDAL, ERNAKULAM DISTRICT, PIN-683 501.**
 - 3. CHAIRMAN AND MANAGING DIRECTOR,
FERTILIZERS AND CHEMICALS TRAVANCORE LIMITED, UDYOGAMANDAL,
ERNAKULAM DISTRICT, PIN-683 501.**
 - 4. CHIEF MANGER (HR),
HR DEVELOPMENT,
FERTILIZERS AND CHEMICALS TRAVANCORE LIMITED,
UDYOGAMANDAL, ERNAKULAM DISTRICT, PIN-683 501.**

**R1 BY ADVS. SMT.C.G.PREETHA, CGC
SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL OF INDIA
R2-R4 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURRYAN THOMAS**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.**

W.A.No.1764 of 2015

Dated this the 28th day of September, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. Heard the learned counsel for the appellant and the learned counsel for the respondent.

2. The appellant, an employee of FACT challenges an order, whereby he is required to move from the Udyogamandal Division to FEDO, a unit in Nagaland. He is a photographer. FEDO is a division of FACT. It was decided by FACT that the appellant should move to Nagaland for high quality and appropriate documentation through videography of a FEDO project, which is a construction project of the National Institute of Technology. The appellant challenged such movement on different grounds before the learned single

Judge principally pointing out that his health condition and affairs of the family do not let him go away from Ernakulam. The learned single Judge, after considering the entire materials placed before him, held that there was no question of the employer having acted arbitrarily in requiring the appellant to work in Nagaland. We do not find any way to disagree with the findings of the learned single Judge in that regard.

3.The learned counsel for the appellant argued that the impugned order of the establishment is issued as if the appellant is being deputed. The learned counsel argued that deputation is a mode of movement from one service to another and this can be done only with the consent of the employee concerned. It is essential that the borrowing department and the lending department can carry out the activity of lending the services of an employee only with the consent of such person. The fact of the matter remains that FEDO is a unit of FACT and is not an independent establishment and it is a part of the company, FACT. Under such circumstances, this

argument also cannot be appreciated on the facts and circumstances of the case.

4. For the aforesaid reasons, this writ appeal fails.

In the result, this writ appeal is dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(ANU SIVARAMAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

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