

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WA. No.2570 of 2015 () IN WP(C). NO.20962/2015

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AGAINST THE JUDGMENT IN WP(C) NO.20962/2015 OF HIGH COURT OF KERALA
DATED 16-11-2015**

APPELLANT(S)/PETITIONER:

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SURESH M.V.,
SENIOR SUPERINTENDENT, KSEB, ELECTRICAL SECTION,
VADASSERIKARA, 689 662**

BY ADV. SRI.S.ABDUL RAZZAK

RESPONDENT(S)/RESPONDENT:

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- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDHUTHI BHAVAN,
PATTOM PO, THIRUVANANTHAPURAM-695 604.**
 - 2. THE CHIEF ENGINEER (HRM),
KSEB , PATTOM, PO. THIRUVANANTHAPURAM - 04.**
 - 3. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL DIVISION, PATHANAMTHITTA.**

BY ADV. SRI.K.S.ANIL, SC, KSEB

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WA. No.2570 of 2015 ()

APPENDIX

APPELLANT'S EXHIBITS:

EXT.P7: 2ND RESPONDENT'S ORDER DATED 27.1.2014.

EXT.P8: GENERAL TRANSFER ORDER DATED 25.7.2014.

RESPONDENTS' EXHIBITS:

**ANNEX: R2(A):- COPY OF THE MINUTES OF THE MEETING REGARDING GENERAL
TRANSFER, 2015 OF OFFICERS OF KSEB DATED 28.4.2015.**

KRJ

//true copy// PA to Judge

**ASHOK BHUSHAN, C.J &
K.RAMAKRISHNAN, J.**

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W.A No.2570 of 2015

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Dated this the 17th day of December, 2015

JUDGMENT

Ashok Bhushan, CJ

Heard learned counsel for the appellant.

2. This writ appeal has been filed against judgment dated 16.11.2015 in W.P(C) No.20962 of 2015. Petitioner aggrieved by Ext.P5 transfer order by which, he was transferred from his present posting, Vadasserikara Electrical Station to Tirur Electrical Station at Malappuram had filed the writ petition. Petitioner's case in the writ petition is that at the present station, he has been transferred only in the year 2014 and on based on request and without completion of normal period of three years, he is now being shifted to Tirur at Malappuram. He submits that according to the transfer policy, normal tenure in a station is three years and Vadasserikara is a separate station where petitioner was entitled to complete 3 years.

3. Learned Single Judge dismissed the writ petition holding that general transfer has been made in administrative exigencies, especially when the petitioner was continuing in Moozhiyar Generation Circle for the past four years. Learned counsel for the

appellant challenging the order contends that even though petitioner is continuing in Pathanamthitta district from the year 1999 this Generation Station is always treated as a separate station. His earlier posting in the Pathanamthitta district has no relevance. Learned counsel for the appellant submitted that appellant ought to have completed three years' tenure in the present station and Ext.P5 transfer order was clearly against the transfer policy.

4. We have considered submission of learned counsel for the parties and perused the records.

5. It has come on record that in the entire service of the petitioner of about 23 years, except the brief period of two years and 24 days, he was out of Pathanamthitta district.

6. Petitioner is continuing in Pathanamthitta district from 1999. Although at the station where he was now posted, he has joined only in 2014. But the department being best judge of administrative exigency has not committed any error in asking the petitioner to go and join duty at Tirur, Malappuram.

7. It is well settled that transfer orders can be interfered by the Court only on the ground of *mala fide* or violation of statutory provisions. Present case is not a case where there is any allegation of *mala fide* or violation of any statutory provisions. The

fact that petitioner had been continuing in Pathanamthitta for more than a decade is sufficient ground to ask the petitioner to join another district.

We do not find any error in the exercise and discretion of learned Single Judge in not interfering with the transfer order. The writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
K.RAMAKRISHNAN
JUDGE