

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 12324 of 2014 (M)

PETITIONER(S):

JUDE JOSEPH
VEHICLE SUPERVISOR
KERALA STATE ROAD TRANSPORT CORPORATION
THIRUVANANTHAPURAM CENTRAL, THAMPANOOR
THIRUVAMNANTHAPURAM

BY ADVS.SRI.BRIJESH MOHAN
SMT.RESMI G. NAIR

RESPONDENT(S):

1. KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM
REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR 695 023.
2. THE MANAGER (ACCOUNTS) (IN CHARGE OF EXECUTIVE
DIRECTOR(ADMINISTRATION)
OFFICE OF THE CHAIRMAN & MANAGING DIRECTOR
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM 695 023.
3. THE DISTRICT TRANSPORT OFFICER
KERALA STATE ROAD TRANSPORT CORPORATION
THIRUVANANTHAPURAM CENTRAL , THAMPANOOR
THIRUVANANTHAPURAM 695 001.

R. BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC
R BY SRI.BABU JOSEPH KURUVATHAZHA,SC,KSRTC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-04-2015, ALONG WITH WPC. 8786/2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 COPY OF THE MEMORANDUM NO.PL 10/001512/14 DATED 30/4/2014
ISSUED BY THE 2ND RESPONDENT

EXHIBIT P2 COPY OF THE MEMORANDUM NO.E2/149/14/SE DATED 28/1/2014
ISSUED BY THE 3RD RESPONDENT

EXHIBIT P3 COPY OF THE REPRESENTATION DATED 2/5/2014 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS :

EXHIBIT R1(a) TRUE COPY OF THE PAGE NO.80 IN THE INSTRUCTION BOOK
MAINTAINED BY THE THIRD RESPONDENT AND KEPT AT THE
VEHICLE SUPERVISOR'S OFFICE.

EXHIBIT R1(b) TRUE COPY OF THE PAGE NO.295 OF THE OCCURRENCE
REGISTER KEPT AT THE STATION MASTER'S OFFICE.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) Nos.12324 of 2014 &
8786 of 2015

Dated this the 7th day of April, 2015

J U D G M E N T

W.P(C) No.12324/2014 is against the order of transfer dated 11.4.2014. W.P(C) No.8786/2015 is against the order of suspension dated 9.3.2015. The reason stated for placing the petitioner under suspension is as follows.

2. Eicher bus was kept ready for conducting the Mandakkadu Special Service. Three trained drivers were ear-marked for conducting the trip. But the petitioner as Vehicle Supervisor did not deploy any of the three drivers. Resultantly the Mandakkadu Special Service could not be operated.

3. It is true that three drivers were ear-marked for conducting the Mandakkadu Special Service. Their names as furnished in the Writ Petition are (1) Sri.Sreejith Kunnoth (2) Sri.T.G.Jayaprakash and (3) Sri.Sarath Kumar. Sreejith Kunnoth was deputed in the duty for Palakkad Super fast service. T.G.Jayaprakash took off and went home after 20 days of continuous service. Sarath Kumar was deputed for the Bangalore Volvo Service.

4. The above facts have been specifically stated in W.P(C) No.8786/2015. These are not seen controverted in the statement filed by the respondents. The three drivers were not available in the Central Depot for deputation. Two of them had been deputed by the senior of the petitioner himself. The petitioner cannot be blamed for not conducting the special Trip in the absence of trained hands.

5. I do feel that the order of transfer is the aftermath of the order of stay in W.P.(C) No.12324/2014. There is no necessity to keep the petitioner out of duty during the disciplinary proceedings if any. The order of suspension dated 9.3.2015 is vitiated by mala fides. No reasons have been made out to keep the petitioner out of service to continue the disciplinary proceedings. Ext.P4 order of suspension in W.P.(C) No.8786/2015 is quashed.

6. The petitioner has been transferred to the Poovar unit from the Central Unit. The Central Unit controls many inter-state services including that to Tamilnadu. There were allegedly short comings in the performance of duties by the petitioner. Transfer is

an incidence of service which cannot be complained of. The petitioner has after all been transferred to Poovar Unit within the limits of the Thiruvananthapuram Corporation itself.

7. I do not find any valid grounds to annul Ext.P1 of transfer impugned in W.P(C) No.12324/2014. The fact that the disciplinary proceedings in relation to the misdemeanor in the Central Depot has to continue is an added reason. The order of transfer of the petitioner to the Poovar Unit cannot be found fault with.

I dismiss W.P(C) No.12324/2014 and allow W.P. (C) No.8786/2015. The petitioner shall be permitted to rejoin duty at the Poovar Unit within a period of three days.

Sd/-
V.CHITAMBARESH,
Judge.

nj.