

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).NO. 17498 OF 2015 (J)

PETITIONER(S) :

GEORGE JOSEPH,
S/O.JOSEPH, KURIYEDATH, MALAYATTOOR P.O.
ALUVA, ERNAKULAM DISTRICT
NOW WORKING AS HEAD OPERATOR, KERALA WATER AUTHORITY
PERUMBAVOOR SUB DIVISION.

BY ADVS.SRI.V.M.KURIAN

SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

RESPONDENT(S) :

1. STATE OF KERALA
REP. BY SECRETARY TO GOVERNMENT
DEPARTMENT OF WATER RESOURCES
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-1.

2. THE MANAGING DIRECTOR
KERALA WATER AUTHORITY, VELLAYAMBALAM
THIRUVANANTHAPURAM-10.

3. THE DEPUTY CHIEF ENGINEER (G.L.)
KERALA WATER AUTHORITY, VELLAYAMBALAM
THIRUVANANTHAPURAM-10.

4. THE ASSISTANT EXECUTIVE ENGINEER
KERALA WATER AUTHORITY, PH SUB DIVISION
PERUMBAVOOR-683542.

5. THE EXECUTIVE ENGINEER
KERALA WATER AUTHORITY, HEAD WORKS DIVISION
ALUVA-683101.

R2-R5 BY ADV. SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY
BY GOVERNMENT PLEADER SMT.M.J.RAJASREE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 17498 OF 2015 (J)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 : TRUE COPY OF THE ORDER DT.28-2-15 ISSUED BY 3RD RESPONDENT.

EXT.P2 : TRUE COPY OF THE REQUEST LETTER AND REJECTION ENDORSEMENT
ISSUED BY HEAD WORKS DIVISION OFFICE, ALUVA.

EXT.P3 : TRUE COPY OF THE ORDER DT.13-3-15 ISSUED BY THE 3RD RESPONDENT.

EXT.P4 : TRUE COPY OF THE JUDGMENT DT.25-3-15 IN WPC 7428/15.

EXT.P5 : TRUE COPY OF THE G.O.(P) NO. 12/04/P&ARD DT.10-9-2004.

EXT.P6 : TRUE COPY OF THE DETAILS OF EMPLOYEES WORKING AT HEAD WORKS
SUB DIVISION, ALUVA AS ON 3-8-12.

EXT.P7 : TRUE COPY OF THE REQUEST LETTER DT.21-4-15 SUBMITTED BY THE
PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.S.TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.17498 OF 2015 (J)

Dated this the 2nd day of July, 2015

J U D G M E N T

The petitioner, who is working as a Head Operator at the Unit of the Kerala Water authority at PH Sub Division, Perumbavoor, is aggrieved by the refusal of the respondents to transfer him to the PH Sub Division at Aluva, where, according to the petitioner, there is now a vacancy. In the writ petition, it is pointed out that on an earlier occasion, by Ext.P1 order, the petitioner was in fact transferred to PH Sub Division, Aluva, on compassionate grounds. The said order, however, was later cancelled stating that there is no vacancy available at PH Sub Division, Aluva. It is the case of the petitioner that presently, there is a vacancy at Aluva consequent to the retirement of an incumbent with effect from 31.5.2015. The petitioner has preferred Ext.P7 representation before the 3rd respondent seeking a transfer, on compassionate grounds, to Aluva. The limited prayer, at this stage, is for a direction to the 3rd respondent to consider and pass orders on Ext.P7 representation preferred by the petitioner, expeditiously, and in the meanwhile, to

direct the respondents to refrain from posting anybody else at Aluva.

2. I have heard the learned counsel for the petitioner, the learned Standing counsel for the respondent Water authority as also the Government pleader for the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with a direction to the 3rd respondent to consider and pass orders on Ext.P7 representation preferred by the petitioner, within a period of two weeks from the date of receipt of a copy of this judgment, after hearing the petitioner. I make it clear that till such time as orders are passed by the 3rd respondent, as directed, and communicated to the petitioner, the vacancy said to exist at Aluva, shall not be filled.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp