

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 18925 of 2015 (M)

PETITIONER(S):

**SALIM P.H, AGED 48 YEARS,
S/O.HYDERALI
ASSISTANT ENGINEER (HG), ENGINEERING SUB DIVISION,
VELLANIKKARA, THRISSUR
NOW UNDER TRANSFER TO VELLAYANI, THIRUVANANTHAPURAM
RESIDING AT PUTHIYAVEETILHOUSE, VALAPPAD BEACH P.O.
PIN - 680 567.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER**

RESPONDENT(S):

- 1. KERALA AGRICULTURAL UNIVERSITY
REPRESENTED BY ITS REGISTRAR, VELLANIKKARA
THRISSUR DISTRICT, PIN - 680 656**
- 2. THE REGISTRAR
KERALA AGRICULTURAL UNIVERSITY, VELLANIKKARA
THRISSUR DISTRICT, PIN - 680 656.**
- 3. UNNIKRISHNAN V
ASSISTANT ENGINEER (HG), ENGINEERING SUB DIVISION
VELLANIKKARA, THRISSUR - 680 656.**

**R1,R 2 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,
KERALA AGRICULTURAL UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF PROBABILITY LIST FOR GENERAL TRANSFER 2015 DATED 15.5.2015

EXT.P-2: TRUE COPY OF ORDER DATED 18.6.15 OF 2ND RESPONDENT

EXT.P-3: TRUE COPY OF REPRESENTATION DATED 15.6.2012 OF SALI

EXT.P-4: TRUE COPY OF ORDER DATED 3.7.2012 IN WPC NO.14322/2012 OF THIS HON'BLE COURT.

EXT.P-5: TRUE COPY OF JUDGEMENT DATED 2.8.2013 IN WPC NO.14322/2012 OF THIS HON'BLE COURT.

EXT.P-6: TRUE COPY OF THE REPRESENTATION MADE BEFORE THE 2ND RESPONDENT ON 10.6.2015

EXT.P-7: COPY OF CIRCULAR NO.GA/G2/15313/90 DATED 6.6.1991 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

EXT.R1(A): COPY OF THE MODIFIED NORMS FOR TRANSFER AND POSTINGS OF NON-TEACHING STAFF ISSUED BY THE 1ST RESPONDENT UNIVERSITY.

EXT.R1(B): COPY OF THE DETAILS OF SERVICE RENDERED BY THE PETITIONER AS WELL AS THE 3RD RESPONDENT AT VELLANIKKARA.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.18925 OF 2015 (M)

Dated this the 22nd day of July, 2015

J U D G M E N T

The petitioner, who is working as Assistant Engineer (Higher Grade), is aggrieved by Ext.P2 order issued by the 2nd respondent transferring him from Vellanikkara in Thrissur to Vellayani in Thiruvananthapuram. The said transfer has been assailed in the writ petition primarily on medical grounds, the petitioner claiming that he is suffering from a chronic ailment of kidney which requires his continued presence in Thrissur in connection with treatment. It is submitted by counsel for the petitioner that even before Ext.P2 order of transfer, and in anticipation thereof, the petitioner had preferred Ext.P6 representation before the 2nd respondent. It is also submitted that, on receiving the order of transfer, and without prejudice to his rights to challenge the same, the petitioner complied with the order of transfer. Under the circumstances, the limited prayer of the petitioner in the writ petition now, is for a direction to the 2nd respondent to consider and pass orders on Ext.P6 representation preferred by the petitioner taking into account the peculiar

circumstances of the case, and, in particular, the medical condition of the petitioner.

2. I have heard the learned counsel for the petitioner and also the learned Standing counsel 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 2nd respondent to consider and pass orders on Ext.P6 representation preferred by the petitioner, before him, within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner as well as the 3rd respondent. The petitioner shall produce a copy of the writ petition along with a copy of this judgment before the 2nd respondent, for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp