

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C) .NO. 19110 OF 2015 (K)

PETITIONER:

IMBICHIKOYA E.
ASSISTANT MANAGER, KERALA GRAMIN BANK
PALLIKKAL BAZAR BRANCH, MALAPPURAM DISTRICT

BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN

RESPONDENTS:

1. KERALA GRAMIN BANK
REPRESENTED BY ITS CHAIRMAN, HEAD OFFICE
MALAPPURAM 676505

2. THE GENERAL MANAGER
KERALA GRAMIN BANK, HEAD OFFICE, MALAPPURAM - 676 505

BY ADV. SRI.K.M.ANEESH
BY SRI.DEVAN RAMACHANDRAN, SC, KERALA GRAMIN BANK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .NO. 19110 OF 2015 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:-TRUE COPY OF THE DISCHARGE SUMMARY GIVEN BY THE MALABAR INSTITUTE OF MEDICAL SCIENCE DTD 10/1/2009

P2:-TRUE COPY OF THE CERTIFICATE ISSUED BY THE CARDIOLOGIST OF MALABAR INSTITUTE OF MEDICAL SCIENCE, KOZHIKODE DTD 23/4/2014

P3:-TRUE COPY OF THE MEMO NO 55/2015 ISSUED BY THE 2ND RESPONDENT DTD 2/6/2015

P4:-TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DTD 5/6/2015

EXT.P5:- TRUE COPY OF THE MEDICAL PRESCRIPTION GIVEN BY THE SENIOR CONSULTANT CARDIOLOGIST OF MIMS HOSPITAL, KOZHIKODE DATED 19.06.2015

EXT.P6:-TRUE COPY OF THE RELEVANT PAGE OF THE TRANSFER OF NEELANDAN

EXT.P7:-TRUE COPY OF THE POSTAL ENVELOP SHOWING THE DATE OF DISPATCH OF THE RELIEVING LETTER

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.19110 of 2015

.....
Dated this the 7th day of July, 2015

J U D G M E N T

The petitioner, who is working as Assistant Manager of the 1st respondent Bank at the Pallikkal Bazar branch, is aggrieved by an order of transfer whereby he has been transferred to the Ozhoor branch of the same bank. The challenge in the writ petition against the order of transfer is essentially on the grounds that the petitioner has less than 14 months to retire, and further, that the petitioner has been working in the present station only for the last two years. It is his contention that as per the transfer norms applicable to the respondent bank, normally, a person who is posted to a particular branch will not be disturbed for a period of three years. Further, a person who is due to retire in two years will not be normally considered for transfer. No doubt, the counsel for the respondent would submit that, the transfer norms are not absolute in nature and there could be circumstances which call for a departure from the norms in the exigencies of service. That apart, it is submitted by counsel for the respondent bank, that the petitioner has already been relieved pursuant to the transfer order, and hence, there is no question of retaining him in the present branch.

2. I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondent bank.

3. On a consideration of the facts and circumstances of the case and also the submissions made across the bar, I note that, the writ petition had come up for admission on 25.06.2015. At the time of moving for admission of the writ petition, it was the case of the petitioner that although he had been orally informed of his transfer, and of being relieved, the formal relieving order had not been communicated to him till then. It was also pointed out that the substitute, who was to be posted in his place at the Pallikkal Bazar branch, had not joined service. It was under these circumstances, that while issuing notice before admission in this matter, this Court also granted an interim stay against operation of the transfer order as against the petitioner. Thereafter, when the matter came up on 01.07.2015, the submission of the learned Standing counsel for the respondent Bank that the petitioner was relieved on 22.06.2015, and that the substitute had taken charge on 26.06.2015, whereas the writ petition had come up for admission only on 25.06.2015, was also taken note of by this Court. This Court thereafter extended the interim order for a period of one week, so as to enable the

respondents to file a counter affidavit and the petitioner to file a reply affidavit in the matter. When the case was taken up for orders today, it is pointed out by counsel for the petitioner that, immediately after the issuance of the order of transfer, but well before the orders relieving him from the Pallikkal Bazar branch were issued, the petitioner had preferred Ext.P4 representation before the 1st respondent seeking an interference with the order of transfer. On the facts and circumstances of this case, and especially taking note of the submission of counsel for the petitioner that, the petitioner is undergoing medical treatment at Calicut and cannot undertake the journey that is expected from him consequent to the transfer, I feel that the interests of justice would be met by directing the 1st respondent to consider and pass orders on Ext.P4 representation preferred by the petitioner within a short period. I therefore dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.P4 representation within a period of two weeks from the date of receipt of a copy of the judgment, after hearing the petitioner. I make it clear that, till such time as the 1st respondent passes orders as directed, and communicates the same to the petitioner, the petitioner shall be permitted to continue at the Pallikkal Bazar branch notwithstanding the submission of counsel for

the respondents that a relieving order was since issued to the petitioner.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns