

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C) .NO. 20415 OF 2015 (B)

PETITIONER(S) :

SUNIL KUMAR M
SUB ENGINEER (CIVIL)
KERALA STATE ELECTRICITY BOARD LTD
PES DIVISION NO.11, MEENCUT, IDUKKI DISTRICT.

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

RESPONDENT(S) :

1. THE CHIEF ENGINEER (H.R.M)
KERALA STATE ELECTRICITY BOARD LTD, VYDYUTHI BHAVAN
PATTOM, THIRUVANANTHAPURAM 695 004.

2. THE EXECUTIVE ENGINEER
KERALA STATE ELECTRICITY BOARD LTD
PES DIVISION NO.11, MEENCUT, IDUKKI 685 865.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 20415 OF 2015 (B)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE ORDER OF GENERAL TRANSFER ISSUED BY THE
1ST RESPONDENT DATED 5.9.14.

EXHIBIT P2. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT DATED 10.09.14.

EXHIBIT P3. TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED 8.10.14.

EXHIBIT P4. TRUE COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT DATED
10.11.14.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.20415 of 2015

.....
Dated this the 29th day of July, 2015

J U D G M E N T

The petitioner is presently working as Sub Engineer (Civil) at PES Division No.II at Meencut in Idukki district. As per a General transfer order that was issued by the 1st respondent on 05.09.2014, the petitioner is transferred to the unit at Seethathodu in Pathanamthitta district. In the writ petition, the grievance of the petitioner is that, notwithstanding the order of transfer, he has not been relieved from the present station to take up his assignment at the transferred station. It is therefore that he has sought for a direction to the respondents to relieve him forthwith from the present station so as to take up his assignment at the transferred station.

2. I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondent Board. The learned Standing counsel for the respondent Board would submit, on instructions that, it is on account of the nonavailability of a substitute candidate at the present station where the petitioner is working, that the petitioner was not relieved till date. It is his submission that

relieving orders can be issued to the petitioner only on a substitute taking charge at the present station.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I am of the view that, inasmuch as the respondent Board has not cancelled the order of transfer till date, it would be incumbent upon the Board to issue the necessary relieving order to enable the petitioner to take charge at the transferred station. Accordingly, I dispose the writ petition with a direction to the respondent Board to issue the relieving order to the petitioner pursuant to the order of transfer dated 05.09.2014, within a period of three weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

