

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C) .NO. 20930 OF 2015 (M)

PETITIONER(S) :

P.P. ASHOKAN, S/O.P.E.PAPPAN, AGED 49 YEARS
SENIOR SUPERINTENDENT, KERALA STATE ELECTRICITY BOARD LTD.,
ELECTRICAL SECTION, ARAKUNNAM, ERNAKULAM
(RESIDING AT SARANGI, VELIYANADU P.O., ERNAKULAM

BY ADVS.SRI.S.KANNAN
SMT.K.S.SANGEETHA
SMT.S.SIMY

RESPONDENT(S) :

1. KERALA STATE ELECTRICITY BOARD LTD.
REPRESENTED BY ITS SECRETARY VYDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM-695004

2. CHIEF ENGINEER (HRM),
KERALA STATE ELECTRICITY BOARD LTD.,
VYDYUTHI BHAVANAM. PATTOM,
THIRUVANANTHAPURAM-695004

3. DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD., ELECTRICAL CIRCLE
POWER HOUSE, ERNAKULAM-682018

4. VINEETHA N.K., SENIOR SUPERINTENDENT,
KERALA STATE ELECTRICITY BOARD LTD.,
ELECTRICAL SECTION, CHERANELLOOR, ERNAKULAM-683544

5. JOLLY MATHEW C.D, SENIOR SUPERINTENDENT,
KERALA STATE ELECTRICITY BOARD LTD., KOCHI REGIONAL IT
UNIT, VYTTILA,
ERNAKULAM-682019

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: A TRUE COPY OF THE BO(CM)NO.1183/2013(EB.7/GENERAL TRANSFER/2013), DATED 30.05.2013 PRESCRIBING GUIDELINES/NORMS FOR TRANSFERS AND POSTINGS OF EMPLOYEES OF BOARD

EXT.P2: A TRUE COPY OF THE CERTIFICATE ISSUED FROM THE ADDITIONAL PROFESSOR ATTACHED TO THE DEPARTMENT OF CARDIOLOGY MEDICAL COLLEGE HOSPITAL, KOTTAYAM

EXT.P3: A TRUE COPY OF THE DISCHARGE SUMMARY ISSUED FROM DEPARTMENT OF CARDIOLOGY MEDICAL COLLEGE HOSPITAL, KOTTAYAM PERTAINING TO THE PETITIONER

EXT.P4: A TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE DISTRICT MEDICAL BOARD ATTACHED TO THE DISTRICT HOSPITAL, ERNAKULAM IN FAVOUR OF THE PETITIONER

EXT.P5: A TRUE COPY OF THE SYSTEM GENERATED PRINT OUT OF APPLICATION DATED 24.02.2015 SUBMITTED BY THE PETITIONER

EXT.P6: A TRUE COPY OF THE COVERING LETTER ISSUED BY THE EXECUTIVE ENGINEER CONCERNED, ADDRESSED TO THE 2ND RESPONDENT WHEREBY THE APPLICATION OF THE PETITIONER FOR PROTECTION FROM TRANSFER WAS FORWARDED.

EXT.P7: A TRUE COPY OF THE PROVISIONAL SENIORITY LIST OF SENIOR SUPERINTENDENTS, NOW WORKING IN ERNAKULAM DISTRICT ISSUED BY THE 2ND RESPONDENT AND DOWNLOADED FROM THE OFFICIAL WEBSITE OF THE 1ST RESPONDENT

EXT.P8: A TRUE COPY OF THE ORDER ENDT.ON.EB.3(A)/SS/T&P/2015 DATED 29/06/2015 ISSUED BY THE 2ND RESPONDENT

EXT.P9: A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 01.07.2015 BEFORE THE 2ND RESPONDENT

EXT.P10: A TRUE COPY OF THE ORDER ENDT.ON.EB.3(A)/SS)/T&P/2015 DATED 08.07.2015 ISSUED BY THE 2ND RESPONDENT

EXT.P11: A TRUE COPY OF THE DISCHARGE SUMMARIES AND CERTIFICATE PERTAINING TO THE MOTHER IN LAW OF THE PETITIONER, SMT.JANAKI.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.20930 of 2015

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Dated this the 10th day of July, 2015

J U D G M E N T

The petitioner, who is working as Senior Superintendent at Electrical Section, Arakunnam, Ernakulam, under the 3rd respondent, is aggrieved by Ext.P10 order of transfer dated 08.07.2015 whereby he has been transferred from Arakunnam to Thodupuzha. While various contentions have been raised in the writ petition against the order of transfer, I find that by Ext.P9 representation preferred before the 2nd respondent, the petitioner has sought for exemption from transfer on medical grounds. In my view, when an application is made on medical grounds, it would be incumbent upon the 2nd respondent to consider the same and pass orders stating reasons as to why such a claim for exemption from transfer cannot be considered, if the same is sought to be rejected. Inasmuch as this exercise has not been done by the 2nd respondent, I dispose the writ petition with a direction to the 2nd respondent to pass orders on Ext.P9 representation submitted by the petitioner before him 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 2nd respondent as directed and communicated to the petitioner, Ext.P10 order of transfer to the

extent it pertains to the petitioner shall be kept in abeyance. The petitioner shall produce a copy of the writ petition together with a copy of this judgment before the 2nd respondent for further action.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

mns