

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 22598 of 2015

PETITIONER :

B.M.AJITH KUMAR AGED 45 YEARS
MANAGER, CATERING
INDIAN RAILWAY CATERING AND TOURISM CORPORATION LIMITED
REGIONAL OFFICE, CONVENT ROAD, ERNAKULAM.

BY ADVS.SRI.P.RAMAKRISHNAN
SMT.PREETHI KESAVAN
SRI.S.K.HARISH
SRI.T.C.KRISHNA
SRI.C.ANIL KUMAR
SMT.ASHA K.SHENOY
SRI.PRATAP ABRAHAM VARGHESE

RESPONDENTS :

1. INDIAN RAILWAY CATERING AND TOURISM CORPORATION LIMITED
9TH FLOOR, BANK OF BARODA BUILDING
16 PARLIAMENT STREET, NEW DELHI-110 001
REPRESENTED BY ITS MANAGING DIRECTOR.
2. GENERAL MANAGER, HRD
INDIAN RAILWAY CATERING AND TOURISM CORPORATION LIMITED
9TH FLOOR, BANK OF BARODA BUILDING
16 PARLIAMENT STREET, NEW DELHI-110001.

R1 & R2 BY ADV. SMT.ASHA CHERIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1: TRUE COPY OF ORDER DATED 22.8.2011 IN OA NO.486/2010.

EXHIBIT P2: TRUE COPY OF LETTER DATED 22.12.2010 ISSUED BY
THE RAILWAY BOARD.

EXHIBIT P3: TRUE COPY OF LETTER DATED 28.9.2012 ISSUED BY
THE 1ST RESPONDENT.

EXHIBIT P4: TRUE COPY OF JUDGMNET DATED 13.10.2014 IN WPC NO.24413/2012.

EXHIBIT P5: TRUE COPY OF ORDER DATED 22.7.2015 ISSUED BY
THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 22598 OF 2015

Dated this the 3rd day of August, 2015

JUDGMENT

Ashok Bhushan, C.J.

The petitioner, working as Manager in the Catering service in the Indian Railway Catering and Tourism Corporation Limited, has come up with this writ petition challenging his transfer order, Ext.P5. By Ext.P5 order the petitioner who is working in the South Zone has been transferred to West Zone, i.e. Mumbai. Learned counsel for the petitioner submits that the petitioner, at his request has been posted in the South Zone and now he is again being sent to Mumbai.

2. In the writ petition he has referred to W.A. No. 82 of 2015 which was filed by him against the judgment of learned Single Judge affirming the decision of the Railway Board refusing repatriation. The petitioner had claimed in the writ petition that his claim in W.A. No.82 of 2015 for repatriation to the Railway service is still pending and in the meanwhile he has been transferred.

3. Learned counsel for the Corporation submits that the petitioner along with three others have been transferred, by the same order. All the four persons were working in the South

Zone. Petitioner was working for the last six years at Ernakulam. It is submitted that due to the transfer policy as well as by the guidelines, after three years, general transfer is necessary.

4. We have considered the submissions made by both the parties and perused the record. W.A. No.82 of 2015, pendency of which was stated in the writ petition having been dismissed and the petitioner, who is still continuing in the employment of the Corporation, can be subjected to the transfer order. There is no denial of the fact that the petitioner has been working at one station for the last six years.

In view of the aforesaid, we do not find any error in Ext.P5 order which may warrant exercise of writ jurisdiction by this Court. Accordingly, the Writ Petition is dismissed reserving liberty to the petitioner to represent against the transfer order before appropriate forum.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**