

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 23906 of 2015 (K)

PETITIONER(S):

**K.KRISHNAN POTTI AGED 43 YEARS
THEVANKOTTU MADOM, TRIKKOYIKKAL
EROOR PO, ANCHAL, KOLLAM - 691312**

BY ADV. SRI.A.S.SHAMMY RAJ

RESPONDENT(S):

- 1. TRAVANCORE DEVASWOM BOARD, REPRESENTED BY
ITS SECRETARY, NANTHANCOD PO,
THIRUVANANTHAPURAM - 695 003**
- 2. THE DEVASWOM COMMISSIONER, TRAVANCORE
DEVASWOM BOARD, NANTHANCOD PO
THIRUVANANTHAPURAM - 695 003**
- 3. THE DEVASWOM ASSISTANT COMMISSIONER
TRAVANCORE DEVASWOM BOARD,
PUNALUR DEVASWOM GROUP, PUNALUR, PO
KOLLAM - 691 305**
- 4. UNNIKRISHNAN NAMBOOTHIRI, KALABHAVAN
ASHTAMANGALAM, THOLICODE
MANIYAR, PO, PUNALUR, KOLLAM - 691 333**

R BY SRI.A.N.RAJAN BABU, SC, TRAVANCORE DEVASWOM BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR GENERAL TRANSFER, DATED 18.05.2015.
- EXHIBIT P2 TRUE COPY OF THE GENERAL TRANSFER ORDER NUMBER 1702, DATED 4.7.2015 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT, DATED 08.07.2015
- EXHIBIT P4 TRUE COPY OF THE ORDER DATED 03.08.2015 ISSUED BY THE 2ND RESPONDENT, DISMISSING THE APPEAL.
- EXHIBIT P5 TRUE COPY OF THE GENERAL TRANSFER ORDER DATED 14.05.2012 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P6 TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT, DATED 05.08.2015.

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 23906 of 2015

Dated this the 6th day of August, 2015

JUDGMENT

The petitioner has been working as a Santhi under the 1st respondent from 18.03.2003 onwards. He is presently working as a Santhi at Agasthyacode devaswom in Eroor sub group under Punaloor group. In the writ petition, the petitioner is aggrieved by Ext.P2 order of transfer, whereby he has been transferred to Asuramangalam Devaswom. Aggrieved by the said order, he preferred a statutory appeal before the 2nd respondent. The 2nd respondent however, by Ext.P4 order, rejected his appeal. It is the case of the petitioner that Ext.P4 order was passed without hearing him. Notwithstanding this, and being aggrieved by Ext.P4 order, the petitioner has preferred Ext.P6 appeal before the 1st respondent Board. In the writ petition, the prayer of the petitioner is essentially for a direction to the 1st respondent Board to consider and pass orders on Ext.P6 appeal, expeditiously, and to permit him to continue at the present station, till such time as the 1st respondent passes orders on the appeal.

2. I have heard the learned counsel for the petitioner as also the learned Standing Counsel for the respondent Board.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and in particular, taking note of the submission of counsel for the petitioner that while passing Ext.P4 order, in the appeal preferred by him against the order of transfer, the 2nd respondent had not afforded him an opportunity of being heard, I am of the view that Ext.P6 appeal preferred by the petitioner before the 1st respondent, ought to enable the petitioner to put forth his views before the appellate authority. Under the circumstances, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.P6 appeal preferred by the petitioner, within a period of one month 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 1st respondent as directed, and communicated to the petitioner, Ext.P2 order of transfer, to the extent it relates 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 1st respondent for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE