

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 23940 of 2015 (N)

PETITIONER(S)/PETITIONER:

**N.S.MANIKANDAN AGED 54 YEARS
S/O. G.NARAYAN POTTI, MELSANTHI
PUTHANCHANTHA SREE SUBRAMANIA SWAMI TEMPLE
THIRUVANANTHAPURAM, RESIDING AT T.C. 28/1891
PADMA NIVAS, PADMAVILASAM ROAD, FORT P.O.
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH**

RESPONDENT(S)/RESPONDENTS:

- 1. THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANDANCODE
THIRUVANANTHAPURAM-695001.**
- 2. THE DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD
THIRUVANANTHAPURAM-695001.**
- 3. THE DEPUTY DEVASWOM COMMISSIONER (ADMINISTRATION)
TRAVANCORE DEVASWOM BOARD
THIRUVANANTHAPURAM-695001.**
- 4. THE ASSISTANT DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD
THIRUVANANTHAPURAM-695001.**
- 5. G.KRISHNAN NAMBOOTHIRI
MELSANTHI, THIRUVALLAM PARASURAMA SWAMI TEMPLE
THIRUVALLAM DEVASWOM, TRAVANCORE DEVASWOM BOARD
THIRUVALLAM, THIRUVANANTHAPURAM-695027.**

R1-R3 BY ADV. SRI.A.N.RAJAN BABU, SC, TRAVANCORE DEVASWOM BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF THE PROCEEDINGS NO. 1243 DATED 23-4-2013 OF THE ASSISTANT DEVASWOM COMMISSIONER OF THE 1ST RESPONDENT**
- EXHIBIT P2- TRUE COPY OF THE PROCEEDINGS NO. ROC 48/13S DATED 7-8-2013 ISSUED BY THE 3RD RESPONDENT.**
- EXHIBIT P3- TRUE COPY OF THE REPRESENTATION DATED 6-8-2012 SUBMITTED BY THE PETITIONER BEFORE THE SECRETARY OF THE 1ST RESPONDENT.**
- EXHIBIT P4- TRUE COPY OF THE CIRCULAR DATED 13-2-2015 ISSUED BY THE 1ST RESPONDENT.**
- EXHIBIT P5- TRUE COPY OF THE PROCEEDINGS DATED 7-7-2015 OF THE 4TH RESPONDENT.**
- EXHIBIT P6- TRUE COPY OF THE REPRESENTATION DATED 8-7-2015 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.**
- EXHIBIT P7- TRUE COPY OF THE PROCEEDINGS NO. ROC 7/15/S DATED 3-8-2015 OF THE 2ND RESPONDENT.**

RESPONDENT'S EXHIBITS:-

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 23940 of 2015

Dated this the 17th day of August, 2015

JUDGMENT

The petitioner, who is working as Melsanthi in the Sree Subramania Swami Temple at Puthanchanthai in Thiruvananthapuram, is aggrieved by Ext.P5 order of transfer, whereby the petitioner has been transferred to Valiyasala Devaswom. In the writ petition, the order of transfer is challenged, inter alia, on the ground that the petitioner has less than two years to retire on superannuation, and as per the guidelines governing transfer in the respondent Board, the petitioner is entitled to be retained at a station close to his residence. It is the contention of the petitioner that, insofar as the guidelines mandate that, he should be posted near his residence, the present transfer to Valiyasala Devaswom is contrary to the guidelines in force.

2. A counter affidavit has been filed by the 2nd respondent, wherein it is stated that the petitioner had worked in Puthenchanthai Devaswom from 10.03.2012 to 01.06.2013 as Keezhsanthi and thereafter from 02.06.2013 as Melsanthi in the same Devaswom. It is stated that the petitioner has completed three years at Puthenchanthai Devaswom as on 10.03.2015. It is taking note of the said fact that the respondent Devaswom decided

to transfer the petitioner from the present station. The 2nd respondent however, took note of the fact that the petitioner is due to retire within a period of two years, and going by the guidelines that required a posting of the petitioner at a place near his residence, he has been transferred to Valiyasala Devaswom, which is approximately 1.5 kilometres from his residence as against the present station of the petitioner, which is approximately 2.3 kilometres from his residence. In other words, the counter affidavit of the respondent would show that the petitioner has now been posted at Valiyasala Devaswom, which is closer to his residence than Puthenchanthai Devaswom, where the petitioner was working till now.

3. I have heard the learned counsel appearing for the petitioner as also the learned Standing Counsel appearing for the respondents.

4. On a consideration of the facts and circumstances of the case and also the submissions made across the bar, I find that the order of transfer, that is impugned in the writ petition is not vitiated on account of any violation of the statutory guidelines or

norms governing transfer. Further, there is no demonstrated case of mala fides that would vitiate the transfer in question. Under the said circumstances, I see no scope for interfering with the order of transfer, that is impugned in the writ petition.

The writ petition fails and is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE