

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT:
THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR
TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937**

WP(C).NO. 24136 OF 2015 (N)

PETITIONER(S):

**MUHAMMED RAFI P.S
S/O.P.M.SIDDIQUE
RAFEENA MANZIL
CMC-34
KUTTIKKAT.
CHERTHALA
ALAPPUZHA DISTRICT
PIN:688524**

**BY ADVS.SRI.DARSAN SOMANATH
SRI.V.S.RAJAN**

RESPONDENT(S):

**1. ASST.MANAGER
KERALA STATE CIVIL SUPPLIES CORPORATION
KSCSC COCHIN DEPOT, ERNAKULAM
PIN:682020**

**2. THE REGIONAL MANAGER
KERALA STATE CIVIL SUPPLIES CORPORATION
REGIONAL OFFICE, ERNAKULAM
PIN:682020**

**3. THE CHAIRMAN & MANAGING DIRECTOR
KERALA STATE CIVIL SUPPLIES CORPORATION
MAVELI BHAVAN, MAVELI ROAD
GANDHI NAGAR
COCHIN PIN:682020**

**R1 BY ADV. SRI.PAULCHAN ANTONY.P, SC, HOUSING AND URBAN
DEVELOPMENT CO
BY SMT.MOLLY JACOB,SC,SUPPLYCO**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:THE TRUE COPY TRANSFER ORDER ISSUED BY THE 1ST RESPONDENT DATED
31.07.2015

EXT.P2: THE TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED
22.07.2015

EXT.P3:THE TRUE COPY OF THE REPRESENTATION OF THE PETITIONER TO THE 1ST
RESPONDENT DATED 27.07.2015

EXT.P4:THE TRUE COPY OF THE COMPLAINT MADE BY THE PETITIONER TO THE 1ST
RESPONDENT DATED 29.05.2015

EXT.P5: THE TRUE COPY OF THE COMMUNICATION SEND BY THE PETITIONER TO THE
1ST RESPONDENT DATED 30.05.2015

EXT.P6: THE TRUE COPY OF THE COMMUNICATION SEND BY THE PETITIONER TO THE
1ST RESPONDENT DATED 01.07.2015

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....

W.P.(C).No.24136 of 2015

.....

Dated this the 18th day of August, 2015

J U D G M E N T

The petitioner, who was working as Assistant Salesman in Palluruthy Supermarket under the Kerala State Civil Supplies Corporation, is aggrieved by his transfer to the Thevara Supermarket of the respondent Corporation. In the writ petition, it is his case that by proceedings dated 31.07.2015, he was transferred from Palluruthy Supermarket to the Thevara Supermarket and said transfer was immediately following an earlier transfer whereby he was transferred from Palluruthy Supermarket to Kumbalangi Supermarket. The contention of the petitioner is essentially that the transfer is in the nature of a punitive transfer and, insofar as there has been no disciplinary proceedings initiated against the petitioner prior to the transfer, the said transfer order cannot be legally sustained.

2. I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondent Corporation. The learned Standing counsel on instructions would submit that, when the petitioner was earlier transferred from Palluruthy Supermarket to Kumbalangi Supermarket, he had made a representation before the

respondents to accommodate him in a place which had access to bus service so that he could commute from his residence to the place of work, and it was acting upon the said request of the petitioner that he was accommodated at Thevara Supermarket. Counsel for the petitioner would submit that, while he has not taken charge at Thevara Supermarket, and is continuing on leave, he would be satisfied with a direction to the respondents to consider and pass orders on Ext.P3 representation that he has preferred against the transfer of the petitioner from Palluruthy Supermarket.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I feel that the interests of justice would be met by disposing the writ petition with the following directions:-

1. The 1st respondent shall consider and pass orders on Ext.P3 representation preferred by the petitioner within a period of one month from the date of receipt of a copy of this judgment. The 1st respondent shall, before passing orders as directed, afford the petitioner an opportunity of being heard.

2. The petitioner shall report for work at Thevara Supermarket forthwith, and at any rate, within a period of three days from today and shall continue to work at the Thevara Supermarket till such time as orders are passed by the 1st respondent as directed within the period aforementioned.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

