

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 24643 of 2015 (E)

PETITIONER:

**N.NARAYANAN NAMPOOTHIRI AGED 50 YEARS
MELSANTHI, THIRUVANVANDOOR DEVASWOM
TRAVANCORE DEVASWOM BOARD
THIRUVALLA GROUP (ETTUVIRUTHIL MADOM
CHENNITHALA (PO), MAVELIKARA 690 105)**

**BY ADVS.SRI.K.SASIKUMAR
SRI.S.ARAVIND
SRI.R.ROHITH
SRI.K.JANARDHANA SHENOY
SRI.V.N.RAJAPPAN
SRI.V.K.PRASAD**

RESPONDENTS:

- 1. TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCOD
THIRUVANANTHAPRUAM 695 004**
- 2. DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, NANTHANCOD
THIRUVANANTHAPRUAM 695 004**
- 3. ASSISTANT DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, THIRUVALLA GROUP 689 501**
- 4. V.S SANKARAN NANPOOTHIRI,
MELSANTHI, KURATTI DEVASWOM, MANNAR
TRAVANCORE DEVASWOM BOARD, THIRUVALLA GROUP
MANNAR P.O 689 512 PATHANAMTHITTA DISTRICT**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 A TRUE COPY OF THE ORDER DATED 7-06-2014 PASSED BY THE 3RD RESPONDENT**
- EXHIBIT P2 A TRUE COPY OF THE REPRESENTATION JOINTLY SUBMITTED BY THE PETITIONER AND SRI S.N KRISHNAN NAMPOOTHIRI BEFORE THE 3RD RESPONDENT**
- EXHIBIT P3 A TRUE COPY OF THE ORDER DATED 27-09-2014 ISSUED BY THE 3RD RESPONDENT**
- EXHIBIT P4 A TRUE COPY OF THE CIRCULAR DATED 10-02-2005 ISSUED BY THE 2ND RESPONDENT**
- EXHIBIT P5 A TRUE COPY OF THE REPRESENTATION DATED 30-10-2014 FORWARDED BY THE PETITIONER TO THE 2ND RESPONDENT UNDER REGISTERED POST**
- EXHIBIT P6 A TRUE COPY OF THE APPLICATION DATED 31-3-2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT THROUGH THE SUB GROUP OFFICE, THIRVANAVANDOOOR**
- EXHIBIT P7 A TRUE COPY OF THE FORWARDING LETTER DATED 31-3-2015 OF THE SUB GROUP OFFICER, THIRUVANAMVANDOOOR FORWARDING THE EXT P6 APPLICATION TO THE 3RD RESPONDENT**
- EXHIBIT P8 A TRUE COPY OF THE ORDER DATED 1-7-2015 PASSED BY THE 3RD RESPONDENT**
- EXHIBIT P9 A TRUE COPY OF THE APPEAL DATED 4-7-2015 FORWARDED BY THE PETITIONER TO THE 2ND RESPONDENT UNDER REGISTERED POST**
- EXHIBIT P10 A TRUE COPY OF THE POSTAL RECEIPT DATED 4-7-2015 FOR SENDING THE EXT P9 BY THE PETITIONER TO THE 2ND RESPONDENT**
- EXHIBIT P11 A TRUE COPY OF THE ORDER DATED 3-08-2015 ISSUED BY THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS

- R1(A) A COPY OF THE REPRESENTATION DATED 14.09.2014 SUBMITTED BY TEMPLE ADVISORY COMMITTEE**

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 24643 of 2015 (E)

Dated this the 29th day of October, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner has not been considered for transfer to the place he opted, in 2014, while he was working at Thrikkuratti Devaswom, and is also now denied a request transfer.

2. On having completed three years in 2014 he submitted an application for transfer to either Sasthanada Devaswom, Mannar, Thulissala Devaswom, Niranam or to continue in Thrikkuratti Devawom. The petitioner, however, was posted to Thiruvandoor Devaswom by Ext.P1 order. After the petitioner joined Thiruvandoor the person who was transferred in his place to Thrikkuratti was unable to carry on the duties there because of physical ailments. Hence, the petitioner along with the said Santi at Thrikkuratti, made a joint application for mutual transfer as

is seen at Ext.P2. However, when the transfer was effected, though the Santi at Thrikkuratti was transferred to Thiruvannamangalam, another Santhi working at Thiruvannamangalam, the 4th respondent, was transferred to Thrikkuratti. The petitioner filed an appeal from the same contending that the transfer request was for a mutual transfer. The same is not seen considered.

3. In any event, when the general transfer was due in 2015, the petitioner submitted Ext.P6, again showing three options for transfer. The petitioner was not considered in Ext.P8 general transfer order issued. The petitioner has filed an appeal to the Commissioner, produced at Ext.P9. The same is also said to be not considered till now.

4. The learned Standing Counsel however submits that Ext.P3 was not an order on the request for mutual

transfer but, an administrative order passed since the Santhi at Thrikkuratti was unable to carry on the duties there. It is also submitted that the petitioner could not be transferred there since the temple advisory committee was not happy with the work of the petitioner. In the present general transfer the petitioner's name was not considered since he had not completed the mandatory three year period, is the contention.

5. The petitioner evidently has filed an appeal before the Commissioner. Even if the petitioner cannot be transferred to Thrikkuratti Devaswom, the Commissioner could as well look into the grievance of the petitioner and decide on another suitable place, in the appeal filed.

6. In such circumstance, the petitioner shall appear before the office of the Commissioner, the 2nd respondent, on **11.11.2015**, on which date the office shall intimate a date of hearing within two weeks therefrom with

acknowledgment taken from the petitioner personally. The appeal shall be considered and the matter disposed of within three weeks from the date of hearing. The petitioner shall produce a certified copy of the judgment and the writ petition before the appellate authority.

The writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE