

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

W.P.(C).No.26303 of 2015 (K)

PETITIONER(S):-

ARUJITH R.S., AGED 51 YEARS, S/O.G.SAHADEVAN,
CHAITHRAM, KUNATHOOR EAST P.O., KOLLAM,
WORKING AS OVERSEER, ELECTRICAL SECTION, SOORANADU,
KARUNAGAPALLY, KOLLAM.

BY ADV. SRI.SABU S.KALLARAMOOLA.

RESPONDENT(S):-

1. KERALA STATE ELECTRICITY BOARD,
VYTHUTHI BHAVAN, PATTOM, TRIVANDRUM - 695 004,
REPRESENTED BY ITS CHAIRMAN.
2. CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
PATTOM, TRIVANDRUM - 695 004.

R1 & R2 BY STANDING COUNSEL SRI.K.S.ANIL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

W.P.(C).NO.26303 OF 2015-K

APPENDIX

PETITIONER'S EXHIBITS:-

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| EXT.P1 | TRUE COPY OF PETITIONER'S SERVICE DETAILS ISSUED BY THE RESPONDENT. |
| EXT.P2 | TRUE COPY OF PETITIONER'S APPLICATION FOR GENERAL TRANSFER. |
| EXT.P3 | TRUE EXTRACT COPY OF TRANSFER AND POSTING OF OVERSEERS (ELEC.) ISSUED BY THE 2ND RESPONDENT. |
| EXT.P4 | TRUE COPY OF PETITIONER'S REQUEST TO CHANGE THE PLACE OF TRANSFER. |

RESPONDENT'S EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.26303 of 2015-K

Dated this the 31st day of August, 2015

JUDGMENT

The petitioner is aggrieved with the transfer effected by Exhibit P3, in which the petitioner's name figures at Sl.No.84, and he is transferred from Electrical Section, Sooranadu to Electrical Circle, Tirur.

2. The petitioner's contention is that, the petitioner had been serving in Kasaragod for thirteen years and eventually he was transferred to Sooranad in 2011. The petitioner also contends that the petitioner had served in Malabar for long and, therefore, he may not be transferred back to Malabar. The petitioner also contends that despite the petitioner having opted for three places within the District of Pathanamthitta, his native District, the petitioner has not been considered to be posted in any of the said places. It is also submitted that two of the posts, which the petitioner had opted are remaining vacant even now. A representation has been filed, as is indicated at Exhibit P4.

3. The petitioner's contention with respect to Malabar service cannot be countenanced, since there is no particular norm for transfer based on length of Malabar service. As to the claim, to any of the two vacant posts, the petitioner cannot have any matter of right in getting such postings, since it is for the authority to consider as to the requirement in a particular place.

4. In any event, considering the fact that the petitioner had long years of service in Malabar, definitely the representation could be considered by the authority, the 2nd respondent. However, though the petitioner's counsel seeks for a stay of the transfer orders, this Court is not convinced that the facts stated and the grievance projected would warrant such a step. The petitioner definitely would have to accept the shifting to the transferred post; but, however, his representation at Exhibit P4 would be considered by the 2nd respondent. The petitioner shall be issued with a notice by the 2nd respondent, indicating a date of hearing and after affording such personal hearing, the representation shall be disposed of. The same shall be done within two months from the date of production of a

certified copy of this judgment. The petitioner shall also produce a copy of the writ petition along with the certified copy of the judgment.

The writ petition is disposed of as above.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]