

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937**

**WP(C).No. 29774 of 2015 (V)**  
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**PETITIONER:**  
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**SANJAY N. AGED 33 YEARS  
S/O. E.NATARAJAN, RAJ VIHAR, V.P.II/1020  
CHEELAPPARA, PEYAD, THIRUVANANTHAPURAM  
PIN-695 573.**

**BY ADV. SRI.D.SAJEEV**

**RESPONDENTS:**  
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- 1. STATE OF KERALA  
REPRESENTED BY THE PRINCIPAL SECRETARY  
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT  
THIRUVANANTHAPURAM-695001.**
- 2. THE MANAGING DIRECTOR  
KELTRON, VELLAYAMBALAM, THIRUVANANTHAPURAM-695001.**
- 3. P.PRASANNAKUMAR  
MANAGING DIRECTOR, KELTRON, THIRUVANANTHAPURAM-695001.**

**R2 & R3 BY ADV. SMT.M.A.ZOHRA, SC, KELTRON  
R1 BY GOVERNMENT PLEADER SMT. M.J. RAJASREE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS**  
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**EXHIBIT P1- TRUE COPY OF THE OFFICE ORDER NO. MD/00-49/2015-16 DATED  
28-09-2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**

**RESPONDENTS' EXHIBITS**  
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- R2(A) : ORDER OF STATE ELECTION COMMISSION KERALA DATED 21.09.2015**
- R2(B) : TRUE COPY OF THE APPOINTMENT LETTER ACKNOWLEDGED BY THE  
PETITIONER DATED 11.4.2013**
- R2(C) : TRUE COPY OF THE JOINING REPORT**
- R2(D) : TRUE COPY OF THE COMPLAINT AGAINST THE 3RD RESPONDENT  
DATED 9.7.2014**
- R2(E) : TRUE COPY OF THE RELIEVING ORDER DATED 03.10.2015**

**//TRUE COPY//**

**P.A. TO JUDGE**

**JJJ**

**K. VINOD CHANDRAN, J.**

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W.P.(C) No. 29774 of 2015 (V)  
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Dated this the 28<sup>th</sup> day of October, 2015

**J U D G M E N T**

The petitioner is aggrieved with the transfer effected from the Quality Control Division at Thiruvananthapuram to the LED Lighting Division at Mudadi in Kozhikode.

2. The petitioner contends that Ext.P1 order was issued only since he had raised some complaints against the Managing Director, the 2<sup>nd</sup> respondent, before the Commission for Scheduled Caste and Scheduled Tribe.

3. The respondent had filed a counter affidavit contending that the company is proceeding with the project of implementation of street lights and enhanced LED Lighting Technology, which are in the implementation stage as per time bound contracts. The Chief General Manager of the Mudadi Unit having sought for befitting officers for the smooth implementation of the project, the petitioner was identified and send to the Unit, is the contention in defense.

4. The learned counsel for the petitioner, however, contended that there is no such requirement at the LED Unit and that the petitioner is not qualified to supervise the specific activity which is carried on in the Unit. Only in such circumstance, the respondent was directed to file an additional counter affidavit showing the specific requirement at the LED unit. The manpower strength at the Unit has been specifically noticed and it is also specifically averred that it is not the petitioner who would be put in charge of the Unit. The head of the Unit is a General Manager-Grade E8 who is retiring only in July, 2016. It is also contended that there is no person second in line in the managerial cadre and the next in line, at present, is an Engineer promoted from workmen grade. It is also averred that as part of the succession plan for the Unit, Sri.Utham Kumar from Delhi Branch was originally transferred but the transfer could not be carried out since he developed cardiac problems and had to avail leave.

5. It was, hence, the petitioner, who is a qualified engineer with M.B.A., was transferred to the Unit. The petitioner's contention that he is not conversant with the LED technology, cannot be accepted, since, the petitioner, appointed as an Assistant Manager directly on the basis of his engineering qualification, cannot contend that he should only be utilised in the Quality Control Unit, especially since the petitioner is in a supervisory capacity.

6. The petitioner's B.Tech. degree is in Electronics & Communications and he cannot contend that he would work only in the Information Technology wing of the respondent. The fact that he has experience in that wing alone is not of any consequence since, as a Managerial Cadre employee he would have to take up such engagement as the Management thinks him fit to shoulder. The petitioner has a qualification in Electronics and he cannot contend that he would not be qualified to supervise the implementation of an LED lighting contract.

7. In such circumstance, the submission of the petitioner that there are other candidates more suitable to be appointed in the Mudadi Unit, cannot at all be accepted. It is for the management to decide who is the suitable person to be appointed in a particular Unit. In the context of the petitioner having been appointed as the second in command in the Unit, it cannot be said that the transfer was actuated by any mala fides. The transfer being not vitiated for either the reason of the petitioner being in a non-transferable job or the 2<sup>nd</sup> respondent being not conferred with such authority, cannot be interfered with by this Court under Article 226 of the Constitution of India.

The writ petition, hence, would stand dismissed.

Sd/-  
K.VINOD CHANDRAN,  
JUDGE