

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 31614 of 2015 (S)

PETITIONER :

JOJO GEORGE, AGED 28 YEARS,
S/O.GEORGE, MOOLAYIL HOUSE,
CHEMPALAM P.O., VATTAPPARA,
IDUKKI DISTRICT.

BY ADVS.SRI.VARGHESE C.KURIAKOSE
SRI.P.J.JOSE

RESPONDENTS :

1. STATE OF KERALA, REP. BY CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM - 695 001.
2. THE KERALA STATE ELECTION COMMISSIONER,
O/o. THE KERALA STATE ELECTION COMMISSION,
THIRUVANANTHAPURAM - 695 001.
3. THE SECRETARY, DEPT. OF LAW & COMMERCIAL TAXES,
THIRUVANANTHAPURAM - 695 001.
4. THE JOINT COMMISSIONER,
COMMERCIAL TAXES, STATE OF KERALA,
THIRUVANANTHAPURAM - 695 001.
5. THE COMMISSIONER, COMMERCIAL TAXES,
STATE OF KERALA, THIRUVANANTHAPURAM - 695 001.
6. THE DEPUTY COMMISSIONER,
COMMERCIAL TAXES, IDUKKI,
KATTAPPANA - 685 515.

R1, R3 TO R6 BY SPL.GOVERNMENT PLEADER, SRI.SIJITH MATHEW JOSE.
R2 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC, K.S.E.COMM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF PRESS RELEASE DATED 23.09.2015 AVAILABLE IN
THE OFFICIAL WEBSITE OF THE ELECTION COMMISSION OF KERALA.

EXT.P1(A) : TRUE COPY OF THE ENGLISH TRANSLATION OF PRESS RELEASE
DATED 23.09.2015 AVAILABLE IN THE OFFICIAL WEBSITE OF THE
ELECTION COMMISSION OF KERALA.

EXT.P2 : TRUE COPY OF THE ORDER DATED 23.09.2015 PASSED BY THE 6TH
RESPONDENT.

EXT.P3 : TRUE COPY OF REPRESENTATION GIVEN TO THE 2ND RESPONDENT.

EXT.P4 : TRUE COPY OF THE APPLICATION SUBMITTED TO THE 3RD RESPONDENT.

EXT.P5 : TRUE COPY OF THE REGISTRATION SLIP ISSUED BY THE POSTAL
AUTHORITY.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.P(C). No. 31614 of 2015

Dated this the 16th day of October, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard. This public interest litigation has been filed by the petitioner seeking a direction to the sixth respondent to forthwith freeze the transfer order effected by Exhibit P2. Exhibit P2 is a proceeding issued by the Deputy Commissioner Commercial taxes, Idukki, where an order was issued referring to certain omissions which crept in the earlier order dated 10.9.2015.

2. The petitioner submits that election having been announced, though code of conduct came in force only from 3.10.2015, no transfer order could have been issued. He further submits that Election Commission has directed on 23.9.2015 for freezing the transfer order effected by the Higher Secondary Director. The writ petition virtually seeks to interfere with the transfer order issued with regard to certain employees of Deputy Commissioner Commercial Taxes.

3. Learned counsel for the Commission submits that the Commission will take up the matter with the Government if there is any breach of its direction regarding deployment of the employees for the election duty.

4. Be that as it may, we are of the view that issues which arise cannot be entertained in a public interest litigation. The issue specifically relates to service matters of certain employees who has been transferred. Those employees not being aggrieved by the said arrangement, the writ petition cannot be entertained.

The writ petition is closed.

ASHOK BHUSHAN
CHIEF JUSTICE

A.M.SHAFFIQUE,
JUDGE

sou.

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