

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 31686 of 2015 (I)

PETITIONER :

**T.S.RADHAKRISHNAN,
WATCHER, MALAYALAPPUZHA DEVASWOM,
TRAVANCORE DEVASWOM BOARD, ARANMULA GROUP,
(UNDER ORDERS OF TRANSFER AS WATCHER,
KODUMTHARA DEVASWOM, PATHANMTHITTA).**

**BY ADVS.SRI.K.SASIKUMAR
SRI.S.ARAVIND
SRI.R.ROHITH
SRI.K.JANARDHANA SHENOY
SRI.P.S.RAGHUKUMAR**

RESPONDENT(S):

- 1. TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, NANTHANCODE,
THIRUVANANTHPAURAM-695 034**
- 2. SECRETARY,
TRAVANCORE DEVASWOM BOARD, NANTHANCODE,
THIRUVANANTHAPURAM- 695 034**
- 3. DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, NANTHANCODE,
THIRUVANANTHAPURAM- 695 034**
- 4. ASSISTANT DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, ARAMULA GROUP,
ARAMULA-689 533**
- 5. N. REGHUNATHA PANICKER,
WATCHER, KODUMTHARA DEVASWOM,
TRAVANCORE DEVASWOM BOARD, (ARANMULA GROUP),
AZHOOR (P.O), PATHANAMTHITTA-689 533**

**R1 TO R4 BY SRI.A.N.RAJAN BABU, SC, TRAVANCORE DEVASWOM BOARD
R5 BY ADV. SRI.S.SUBHASH CHAND**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: A TRUE COPY OF THE ORDER DT. 13/5/2015 ISSUED BY THE 4TH
RESPONDENT**
- EXT.P2: A TRUE COPY OF THE ORDER DT. 29/7/2015 PASSED BY THE 3RD
RESPONDENT**
- EXT.P3: A TRUE COPY OF THE ORDER DT. 3/10/2015 ISSUED BY THE 2ND
RESPONDENT**
- EXT.P4: A TRUE COPY OF THE OFFICE ORDER DT. 7/10/2015 ISSUED BY THE
4TH RESPONDENT**
- EXT.P5: A TRUE COPY OF THE CIRCULAR ORDER DT. 10/2/2005 ISSUED BY
THE 3RD RESPONDENT**
- EXT.P6: A TRUE COPY OF THE ORDER DT. 9/10/2015 ISSUED BY THE HON'BLE
KERALA STATE ELECTION COMMISSION.**

RESPONDENT(S)' EXHIBITS

- EXT.R5(A): A TRUE COPY OF THE MEDICAL CERTIFICATE.**

/TRUE COPY/

P.A.TO JUDGE

K.VINOD CHANDRAN, J.

W.P.(C) No.31686 of 2015

Dated this the 19th day of November, 2015

J U D G M E N T

The petitioner is aggrieved by the interference caused to the transfer of the petitioner, to accommodate the 5th respondent in the Malayalappuzha Devaswom Temple as a Watcher. The petitioner was initially transferred as per Ext.P1 from Chengannur to the Malayalappuzha Devaswom. The petitioner also joined the said post. However, the 5th respondent filed an appeal from the order, which was rejected as per Ext.P2. Ext.P2 was further challenged before the Board, which concluded in Ext.P3.

2. By Ext.P3, the petitioner's transfer was kept in abeyance and the 5th respondent was posted to Malayalappuzha only taking the circumstance that, the 5th respondent would retire by 31.05.2016. The Devaswom Board relied on the norms which indicate that, a person who has only two years for retirement should be, as far as possible, accommodated in his home town.

3. The learned counsel for the petitioner submits that, even the 5th respondent's present posting is within the home town and there need not be a transfer now at the fag end of his

retirement, especially since he is shown to have served almost 11 years in the Malayalappuzha Devaswom.

4. The learned counsel for the 5th respondent however submits that, from the residence of the petitioner, the Kodumthara Devaswom, at which place he is now posted, is 13 kilometres and the Malayalappuzha Devaswom is just 1 kilometre away. Some medical conditions are also projected to further urge the transfer to a nearby Devaswom.

5. In any event looking at Ext.P3, especially noticing the fact that the Board has been careful to indicate in Ext.P3 that, the petitioner would be posted in the vacancy arising on the 5th respondent's retirement, this Court is not inclined to exercise the discretionary remedy to interfere with Ext.P3, which also is in consonance with the transfer norms.

Accordingly, the writ petition is dismissed, however making it clear that, the petitioner would be accommodated in the vacancy arising on the retirement of the 5th respondent and his normal tenure as per the transfer norms would only commence from that date. No costs.

Sd/-
K.VINOD CHANDRAN, JUDGE