

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K. VINOD CHANDRAN

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WP(C).No. 34721 of 2015 (M)

PETITIONERS :

1. T.SARASWATHY AGED 41 YEARS, W/O U.V. SURESH, ASSISTANT ENGINEER (ELECTRICAL), KERALA STATE ELECTRICITY BOARD LTD, ELECTRICAL DIVISION, VYDYUTHI BHAVANAM, IRINJALAKUDA, THRISSUR
2. U.V. SURESH, AGED 49 YEARS S/O U.K.VELAYUDHAN, SENIOR SUPERINTENDENT KERALA STATE ELECTRICITY BOARD LTD; ELECTRICAL CIRCLE VYDYUTHI BHAVANAM, IRINJALAKUDA, THRISSUR (BOTH PETITIONERS NOW RESIDING AT QUARTERS NO. D4, 110 KV SUB STATION, KOLOTHUMPADY, NADAVARAMBA PO, IRINJALAKUDA)

BY ADV. SRI. RAJIT

RESPONDENTS :

1. CHAIRMAN, KERALA STATE ELECTRICITY BOARD LTD.
VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM-695 004
2. CHIEF ENGINEER (HRM), KERALA STATE ELECTRICITY BOARD LTD.
VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM-695 004
3. DEPUTY CHIEF ENGINEER, KERALA STATE ELECTRICITY BOARD LTD.
ELECTRICAL CIRCLE, IRINJALAKUDA, THRISSUR-680121
4. EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD LTD.
ELECTRICAL DIVISION VYDYUTHI BHAVANAM, IRINJALAKUDA-680121
5. FRINI. T.F, ASSISTANT ENGINEER (ELECTRICAL)
KERALA STATE ELECTRICITY BOARD LTD.
ELECTRICAL GENERATION SUB DIVISION, PORINGALKUTHU
IRINJALAKUDA, THRISSUR-680721
6. LILLY P.I, ASSISTANT ENGINEER (ELECTRICAL)
KERALA STATE ELECTRICITY BOARD LTD.
ELECTRICAL SECTION, KATTOR, IRINJALAKUDA-680702
7. JAGADHY. T.B, ASSISTANT ENGINEER (ELECTRICAL)
KERALA STATE ELECTRICITY BOARD LTD.
ELECTRICAL CIRCLE, THRISSUR-680 004
8. KERALA STATE ELECTRICITY BOARD LTD., VYDYTHUTHI BHAVANAM, PATTOM
THIRUVANANTHAPURAM-695 004

R BY SRI.K.S.ANIL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE BO (CM) NO. 1183/13 (EB7/GENERAL TRANSFER/2013), DT. 30/5/2013

EXT.P2: TRUE COPY OF THE SYSTEM GENERATED PRINT OUT OF APPLICATION DT. 12/2/15 SUBMITTED BY THE 1ST PETITIONER

EXT.P3: TRUE COPY OF THE SYSTEM GENERATED PRINT OUT OF APPLICATION DT. 17/3/15 SUBMITTED BY THE 2ND PETITIONER

EXT.P4: TRUE COPY OF THE SENIORITY LIST OF ASSISTANT ENGINEER (ELECTRICAL) WORKING WITHIN THRISSUR DISTRICT ISSUED BY THE 2ND RESPONDENT

EXT.P5: TRUE COPY OF THE RELEVANT EXTRACT OF ORDER ENDT. ON EB.1 (A)/AE (ELE)/ T&P/15 DT. 26/5/14 ISSUED BY THE 2ND RESPONDENT

EXT.P6: TRUE COPY OF ORDER ENDT. ON EB.1 (A)/AE (ELE)/GT- AN.I/15 DT. 29/5/15 ISSUED BY THE 2ND RESPONDENT

EXT.P7: TRUE COPY OF THE RELEVANT EXTRACT OF TRANSFER ORDERS DT. 29/6/15 AND 8/7/15 PERTAINING TO THE SENIOR SUPERINTENDENTS WORKING UNDER THE 1ST RESPONDENT BOARD

EXT.P8: TRUE COPIES OF THE FEE RECEIPTS ISSUED FROM BHARATHIYA VIDYA BHAVAN'S MANDIR, IRINJALAKUDA

EXT.P9: TRUE COPY OF THE REPRESENTATION DT. 10/6/15 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT

EXT.P10: TRUE COPY OF THE SUBMISSION DT. 25/7/15 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT

EXT.P11: TRUE COPY OF THE LETTER DT. 31/7/15 ISSUED BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT

EXT.P12: TRUE COPY OF THE RELEVANT EXTRACT OF TRANSFER ORDER PERTAINING TO THE ASSISTANT ENGINEERS (ELECTRICAL) IN THE BOARD DT 9/6/15

EXT.P12(a): TRUE COPY OF THE RELEVANT EXTRACT OF TRANSFER ORDER PERTAINING TO THE ASSISTANT ENGINEERS (ELECTRICAL) IN THE BOARD DT 26/6/15

EXT.P12(b): TRUE COPY OF THE RELEVANT EXTRACT OF TRANSFER ORDER PERTAINING TO THE ASSISTANT ENGINEERS (ELECTRICAL) IN THE BOARD DT 27/6/15

EXT.P12(c): TRUE COPY OF THE RELEVANT EXTRACT OF TRANSFER ORDER PERTAINING TO THE ASSISTANT ENGINEERS (ELECTRICAL) IN THE BOARD DT 23/7/15

EXT.P12(d): TRUE COPY OF THE RELEVANT EXTRACT OF TRANSFER ORDER PERTAINING TO THE ASSISTANT ENGINEERS (ELECTRICAL) IN THE BOARD DT 6/8/15

EXT.P12(e): TRUE COPY OF THE RELEVANT EXTRACT OF TRANSFER ORDER PERTAINING TO THE ASSISTANT ENGINEERS (ELECTRICAL) IN THE BOARD DT 25/8/15

EXT.P12(f): TRUE COPY OF THE RELEVANT EXTRACT OF TRANSFER ORDER PERTAINING TO THE ASSISTANT ENGINEERS (ELECTRICAL) IN THE BOARD DT 26/8/15

EXT.P12(g): TRUE COPY OF THE RELEVANT EXTRACT OF TRANSFER ORDER PERTAINING TO THE ASSISTANT ENGINEERS (ELECTRICAL) IN THE BOARD DT 31/8/15

EXT.P12(h): TRUE COPY OF THE RELEVANT EXTRACT OF TRANSFER ORDER PERTAINING TO THE ASSISTANT ENGINEERS (ELECTRICAL) IN THE BOARD DT 11/9/15

EXT.P13: TRUE COPIES OF THE REPRESENTATION DT 6/8/15 SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT

EXT.P14: TRUE COPY OF THE JUDGMENT DT. 7/8/15 IN WPC 24042/15

EXT.P15: TRUE COPY OF THE ABOVE ORDER BEARING NO. EB. 1/AE(E)/WPC 24042.15 DT. 27/10/15

EXT.P16: TRUE COPY OF THE ABOVE REPRESENTATION DT. 13/11/15 SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT

EXT.P17: TRUE COPY OF THE EXISTING VACANCY AND NUMBER OF STAFF EMPLOYED IN THE JURISDICTION OF THE ELECTRICAL CIRCLE, IRINJALAKUDA AS ON 1/11/15

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.VINOD CHANDRAN, J.

W.P.(C) No.34721 of 2015

Dated this the 17th day of November, 2015

J U D G M E N T

I have heard the learned counsel appearing for the petitioners as also the learned standing counsel appearing for the respondents and on consent, the writ petition itself is disposed of.

2. The petitioners are wife and husband who are working in the Irinjalakkuda Circle as Assistant Engineer (Electrical) and Senior Superintendent, respectively. Both the petitioners had sought for a transfer to Thiruvananthapuram on request, since they had been continuing in Irinjalakkuda for long and their domicile was at Thiruvananthapuram. However, when the transfer order came, the 1st petitioner alone was transferred to Thiruvananthapuram and the 2nd petitioner was retained at Irinjalakkuda itself. The petitioners aggrieved with the same, especially since, they had school going children, approached this Court and this Court directed the Chief Engineer (Human Resources Management) to consider their request, by Ext.P14 judgment.

3. Strangely, upon such consideration, the 1st petitioner

has now been transferred to Shoranur. The reason stated for not transferring the 2nd petitioner to Thiruvananthapuram as per the request is that, the 2nd petitioner's domicile is still at Thrissur. This Court is surprised with such a doctrinaire and rigid approach taken by the Chief Engineer, especially when it is a known fact that the petitioners are husband and wife and the wife's domicile, in any event on the records is Thiruvananthapuram. If the husband wishes to stay with the wife, merely because the records of the KSEB shows his domicile at Thrissur, which probably would have been entered at the time of entry into service, the request cannot be rejected.

4. In view of the above facts and circumstances, Ext.P15 is set aside. In any event, the transfer of the 1st petitioner is on request and not on any administrative exigency. The petitioners request that as far as possible they may be accommodated at Thiruvananthapuram itself or in any nearby places or should be retained at Irinjalakkuda itself, at least till the end of this academic year. The same seems to be a very reasonable request. In such circumstances, the petitioners shall be permitted to continue in Irinjalakkuda till the closure of

this academic year and their request shall be considered at the next general transfer. The 2nd petitioner would also be entitled to change his domicile by that time. The transfer of both the petitioners are set at naught.

Accordingly, the writ petition is allowed. No costs.

Sd/-
K.VINOD CHANDRAN, JUDGE