

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

**PRESENT:**

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

**WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937**

**WP(C).No. 36187 of 2015 (W)**  
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**PETITIONER(S):**  
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**SHAJEER MON.A,  
LOWER DIVISION CLERK  
KERALA COIR WORKERS WELFARE FUND BOARD  
REGIONAL OFFICE, NORTH PARAVUR, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.JAJU BABU (SR.)  
SMT.M.U.VIJAYALAKSHMI**

**RESPONDENT(S):**  
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- 1. KERALA COIR WORKERS WELFARE FUND BOARD  
HEAD OFFICE, ALAPPUZHA-688 001  
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.**
- 2. THE CHIEF EXECUTIVE OFFICER  
KERALA COIR WORKERS WELFARE FUND BOARD, HEAD OFFICE  
ALAPPUZHA-688 001.**

**R1,2 BY ADV. SRI.A.SUDHI VASUDEVAN, SC, KHADI AND VILLAGE  
INDUSTRIES COMM**

**R1 BY ADV. SRI.P.M.M.NAJEEB KHAN, SC, KCWWFB  
R BY SRI.PMM.NAJEEB KHAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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- EXT.P1 : COPY OF ORDER NO.CWB/E1/1789/2013 DTD.1.6.2013 OF THE 1ST RESPONDENT BOARD.
- EXT.P2 : COPY OF ORDER NO.CWB/S1/1121/12 DTD.25.8.2015 OF THE 1ST RESPONDENT BOARD.
- EXT.P3 : COPY OF ORDER NO.CWB/ADMN/490/15(2) DTD.7.9.2014 OF THE 1ST RESPONDENT BOARD.
- EXT.P4 : COPY OF MEMO NO.CWB/ADMN/490/152(2) DTD.17.10.2015 OF THE 1ST RESPONDENT BOARD.
- EXT.P5 : COPY OF REPLY DTD.20.10.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P6 : COPY OF RELIEVING CERTIFICATE NO.CWB/SO/STL/E1/1260/12 DTD.15.9.2015 ISSUED BY THE CHERTHALA SUB OFFICER OF THE BOARD.
- EXT.P7 : COPY OF MEMO NO.CWB/E1/2509/2015 DTD.7.11.2015 ISSUED BY THE 1ST RESPONDENT BOARD.
- EXT.P8 : COPY OF REPLY DTD.17.11.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P9 : COPY OF ORDER NO.CWB/E1/541/2011 DTD.25.11.2015 OF THE 1ST RESPONDENT BOARD.

**RESPONDENT(S)' EXHIBITS:**

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- EXT.R1 COPY OF THE LETTER DTD. 15.10.15 ISSUED BY THE REGIONAL OFFICE OF THIS RESPONDENT TO THIS RESPONDENT.
- EXT.R1(A) COPY OF COMMUNICATION DTD. 28.10.15 ALONG WITH ITS ANNEXURE FORWARDED BY THE DISTRICT COLLECTOR, ALAPPUZHA TO THIS RESPONDENT.
- EXT.R1(B) COPY OF THE REPORT DTD. 30.10.15 ISSUED BY THIS RESPONDENT COLLECTOR , ALAPPUZHA

**// TRUE COPY //**

**P.A TO JUDGE**

**SB**

**K. VINOD CHANDRAN, J.**

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**W.P.(C) No.36187 of 2015 - W**

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**Dated this the 02<sup>nd</sup> day of December, 2015**

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

The petitioner is aggrieved with the transfer from North Paravur to Chirayinkeezhu. The petitioner, who was working in Cherthala Sub Office of the respondent, was sent on working arrangement to North Paravur from 31.08.2015 to 08.09.2015. Subsequently, on 14.09.2015, the petitioner was transferred to North Paravur, considering the emergent requirement of a Lower Division Clerk (L.D.C) in the Regional Office at North Paravur.

2. Since the petitioner had unauthorisedly absented for various periods, the petitioner was issued with a memo at Ext.P4, which was replied to by Ext.P5. The petitioner has raised grounds of his father's death and his mother's illness for the unauthorised absence during the various periods of absence, alleged against him. However, the fact remains that the

petitioner's absence in various periods, each extending over a period of a week were not intimated to the respondent Organisation at the proper time and the petitioner had been consistently applying for leave, after the petitioner joined for duty. The same is indicated by Exts.R1/1 and R1/4 produced by the respondent.

3. A further memo was given to the petitioner on 07.11.2015, wherein, it was alleged that the petitioner had been involved in political activities and directing him to give an explanation. The petitioner had given a reply to Ext.P8 also. Taking into account both the aforesaid memos and the explanation offered, the petitioner was intended to be proceeded against, for alleged misconducts and as a pre-cursor to that, the petitioner was transferred to Chirayinkeezhu from North Paravur.

4. In fact a reading of Ext.P4 itself would indicate that the petitioner had been transferred to North Paravur, specifically

noticing the requirement of an L.D.C in the said office for carrying out emergent work; pending in the said Regional Office.

5. The petitioner admittedly is in a transferable job and there is no ground of any malafides alleged against the respondents. The transfer order is also issued with and by due authority. The transfer now effected of the petitioner is only on account of certain misconduct alleged against the petitioner, which by itself may not require a transfer, but however, the respondent has considered the emergent requirement of an L.D.C in the office, in which the petitioner is posted ie., in North Paravur. Considering his habitual unauthorised absence, the respondent has thought it fit to transfer him to Chirayinkeezhu. This Court does not find any infirmity in the same.

The writ petition would stand dismissed. No costs.

Sd/-  
**K. VINOD CHANDRAN,**  
**JUDGE**

SB/02/12/2015

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P.A to Judge