IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WP(C) NO. 13735 OF 2025

PETITIONER/S:

1 **SAJITH.K.**
AGED 44 YEARS
S/O KARUNAKARAN NAIR. JUNIOR ASSISTANT, SUPPLY CO. SUPERMARKET KAREET. ATTINGAL DEPOT, ATTINGAL P.O., THIRUVANANTHAPURUM DISTRICT, RESIDING AT POIKAVILA PUTHENVEEDU, PULIYOOR KONAM.P.O. KILIMANOOR, THIRUVANANTHAPURAM, PIN - 695101

2 **SMITHA S.**
AGED 41 YEARS
W/O AJAYAN S. JUNIOR ASSISTANT, OCHIRA SUPERMARKET OFFICER IN CHARGE. KARUNNAGAPALLI SUPPLY CO. TALUK DEPOT, KARUNNAGAPALLI P.O., KOLLAM DISTRICT, PIN - 690528

3 **SMITHA.S.R.**
AGED 44 YEARS
W/O VINOD KUMAR. JUNIOR ASSISTANT, KOLLAMSUPPLY CO. TALUKDEPO. KOLLAM P.O., KOLLAM DISTRICT, PIN - 691001

4 **REJITH D.**
AGED 38 YEARS
S/O G. DEVARAJAN JUNIOR ASSISTANT, KOLLAM SUPPLY CO. TALUK DEPO. KOLLAM P.O., KOLLAM DISTRICT,, PIN - 691001

5 **SANDHYA RANI**
AGED 44 YEARS
W/O RAJANEESH BABU. JUNIOR ASSISTANT, SUPPLY CO. TALUK DEPOKARUNNAGAPALLI KARUNNAGAPALLI P.O., KOLLAM DISTRICT,, PIN - 690518

6 **SREEJA C.V.**
AGED 52 YEARS
W/O SABU T.V. JUNIOR ASSISTANT, SUPPLY CO. MAVELI STORE ATTINGAL DEPOT, KALAMBALAM P.O., TRIVANDRUM DISTRICT,,

PIN - 695605

7 JAYAKUMAR P.R.
AGED 51 YEARS
S/O RAMAKRISHNA PILLAI. SENIOR ASSISTANT I, SUPPLY CO. DEPOT NEDUMANGADU. NEDUMANGADU P.O., TRIVANDRUM DISTRICT, PIN - 695541

8 SUNIL RAJ L.E.
AGED 51 YEARS
S/O LAKSHMANAN N. SENIOR ASSISTANT II, UCHAKADA MAVELI STORE NEYATINKARA DEPOT UCHAKADA P.O., THIRUVANANTHAPURUM DISTRICT, PIN - 695506

BY ADVS.
TONY GEORGE KANNANTHANAM
P.A.SALIM
AJITH GEORGE KOOLA

RESPONDENT/S:

1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, FOOD & CIVIL SUPPLIES DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM,, PIN - 695001

2 THE KERALA CIVIL SUPPLIES CORPORATION LIMITED,
MAVELI BHAVAN, MAVELI ROAD, GANDHI NAGAR, KOCHI
REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR, PIN - 682020

3 THE CHAIRMAN & MANAGING DIRECTOR
THE KERALA CIVIL SUPPLIES CORPORATION LIMITED, MAVELI BHAVAN, MAVELI ROAD, GANDHI NAGAR, KOCHI, PIN - 682020

4 THE ADDITIONAL GENERAL MANAGER (P & A),
THE KERALA CIVIL SUPPLIES CORPORATION LIMITED, MAVELI BHAVAN, MAVELI ROAD, GANDHI NAGAR, KOCHI, PIN - 682020

BY ADV R.RANJANIE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Petitioners are employees of the Kerala State Civil Supplies Corporation, a Government of Kerala undertaking. The petitioners have filed this writ petition, challenging Ext.P4 order, whereby, they have been transferred from their present place of posting i.e., from Thiruvananthapuram to Palakkad.

2.As per the direction of this Court, a statement has been filed on behalf of the 02nd respondent Corporation stating that at present, Thiruvananthapuram region has excess staff, and there is a shortage of staff in Palakkad region. The request was received from the Regional Manager of Palakkad on 14.03.2025, stating that there was a huge shortage of staff in the Palakkad region.

3. Considering the aforesaid facts, the petitioners have been transferred from their present place of posting to Palakkad, where they have been working for quite a substantial number of years. It is further stated that there is neither malafide nor the transfer of the petitioners is against the service rules, i.e., Kerala State Civil Supplies Corporation Common Service Recruitment Rules, 2021. Rule 156(2C) prescribed that it would be

justified for the Corporation to transfer the employee for the smooth functioning of the office/ unit/ depot and the employee can be transferred at any time during a calendar year.

4.Paragraph 6 of the statement filed by the 02nd respondent would read as under:

> "6. Following the request of the Regional Manager, Palakkad the details of employees working in the same depot for more than 5 years were obtained from Thiruvananthapuram Regional Manager. After checking the list, the transfer order dated 22.3.2025 was issued, excluding employees due to retire within 3 years, and those with unhealthy conditions. On examining the staff strength in February 2025, of Palakkad region and Thiruvananthapuram region, it can be seen that the number of employees in the Thiruvananthapuram region is significantly higher. The table below shows the number of outlets of the Corporation and number of employees working in the outlets, in the Palakkad and Thiruvananthapuram region.

	Palakkad Region	Trivandrum Region
Total No. of Outlets	386	339
No. of Senior Assistant-I	56	132
No. of Senior Assistant-II	24	75
No. of Senior Assistants	156	158
Assistant Sales Man	344	304
TOTAL	580	669

5.It is not in dispute that the petitioners hold a transferable post and they can be transferred to any region under the relevant service rules. The transfer and posting are not malafide nor against the service rules. This court cannot decide whether the transfer and posting are justified or not, it is for the competent authority to post the employees working under him

utilizing their best services to the interest of the organization, and the court should be loath to interfere with the transfer and posting of the employees. The transfer is an incidence of service, and unless there are overwhelming reasons to suggest that the transfer was not for administrative exigency but a result of a malafide exercise of powers, this court should not interfere with such administrative allegations.

6.In view thereof, I do not find that the petitioners have a claim to remain posted for the whole time at Thiruvananathapuram, and the writ petition does not appear to have any merit. The same is therefore dismissed, however, without cost.

Needless to say, the dismissal of the writ petition will not come in the way of 3rd and 4th respondents to consider and take the decision on Ext.P6 representation. The authority, while considering Ext.P6 representation without being prejudiced by the dismissal of the writ petition, as expeditiously as possible, preferably within a period of one month.

The present writ petition is accordingly dismissed.

Sd/-

D. K. SINGH

JUDGE

SJ

APPENDIX OF WP(C) 13735/2025

PETITIONER EXHIBITS

Exhibit.P1	**TRUE COPY OF THE MINUTES OF THE MEETING DATED 19-12-2018 WITH ENGLISH TRANSLATION**
Exhibit.P2	**TRUE COPY OF THE JUDGMENT DATED 3-4-2019 IN W.P(C)NO. 8246/2019. A COPY OF THE DATED 3-4-2019 OF THIS HON. COURT.**
Exhibit.P3	**TRUE COPY OF G.O(P)3/2021/F & CSD DATED 11-2-2021**
Exhibit.P4	**TRUE COPY OF THE PROCEEDINGS NO. KSCSC/2382/2025-D10(ADMN) DATED 22-3-2025 WITH ENGLISH TRANSLATION**
Exhibit.P5	**TRUE COPY OF THE CIRCULAR NO. M15 3855/15 DATED 21-3-2015**
Exhibit.P6	**TRUE COPY OF THE REPRESENTATION DATED 24-3-2025 TO THE 2ND RESPONDENT WITH ENGLISH TRANSLATION**
Exhibit.P7	**TRUE COPY OF THE REPRESENTATION DATED 23-3-2025 TO THE 2ND RESPONDENT WITH ENGLISH TRANSLATION**
Exhibit.P8	**TRUE COPY OF THE REPRESENTATION DATED 25-3-2025 TO THE 2ND RESPONDENT WITH ENGLISH TRANSLATION**
Exhibit.P9	**TRUE COPY OF THE REPRESENTATION DATED 24-3-2025 TO THE 2ND RESPONDENT WITH ENGLISH TRANSLATION**
Exhibit .P10	**TRUE COPY OF THE REPRESENTATION DATED 25-3-2025 TO THE 2ND RESPONDENT WITH ENGLISH TRANSLATION**
Exhibit.P11	**TRUE COPY OF THE REPRESENTATION DATED 25-3-2025 TO THE 2ND RESPONDENT WITH ENGLISH TRANSLATION**

Exhibit.P12	**TRUE COPY OF THE REPRESENTATION DATED 25-3-2025 TO THE 2ND RESPONDENT WITH ENGLISH TRANSLATION**
Exhibit.P13	**TRUE COPY OF THE REPRESENTATION DATED 25-3-2025 WITH TYPED COPY OF ENGLISH TRANSLATION**