

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 30TH NOVEMBER 2009 / 9TH AGRAHAYANA 1931

WP(C).No. 33661 of 2009(C)  
-----

PETITIONER(S):  
-----

VEDAVYASAN.V.B., VALIYAVEEDU,  
MUHAMMA P.O., ALAPPUZHA DISTRICT,  
NOW WORKING AS PASHUPALAKAN AT KAVEEDU  
GOKULAM, KAVEEDU, GURUVAYUR.

BY ADV. SRI.V.M.KURIAN  
SRI.MATHEW B. KURIAN  
SRI.K.T.THOMAS

RESPONDENT(S):  
-----

1. STATE OF KERALA, REP.BY SECRETARY  
TO GOVERNMENT, DEPARTMENT OF DEVASWOM,  
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE GURUVAYUR DEVASWOM MANAGING  
COMMITTEE, GURUVAYUR, REP.BY ITS CHAIRMAN.
3. THE ADMINISTRATOR,  
GURUVAYUR DEVASWOM BOARD, GURUVAYUR.
4. THE DEPUTY ADMINISTGRATOR  
(ADMINISTRATION) GURUVAYUR DEVASWOM BOARD,  
GURUVAYUR.
5. K.V.PRAKASAN, PASHUPALAKAN,  
KAVEEDU GOKULAM, KAVEEUD, THAMARAYUR P.O.,  
VIA KOTTAPPADY, THRISSUR DISTRICT.
6. T.K.SURESH, PASHUPALAKAN,  
KAVEEDU GOKULAM, KAVEEDU, THAMARAYUR P.O.,  
VIA KOTTAPPADY, THRISSUR DISTRICT.
7. ASOKAN, PASHUPALAKAN, KAVEEDU GOKULAM,  
KAVEEDU, THAMARAYUR P.O., VIA KOTTAPPADY  
THRISSUR DISTRICT.

WPC NO.33661 /2009

8. UNNI NARAYANAN, PASHUPALAKAN,  
KAVEEDU GOKULAM, KAVEEDU,  
THAMARAYUR P.O., VIA KOTTAPPADY,  
THRISSUR DISTRICT.

MRS.ANU SIVARAMAN, GOVERNMENT PLEADER  
MR.V.KRISHNAMENON, SC FOR GURUVAYUR DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 30/11/2009, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

ANTONY DOMINIC, J.

-----  
W.P.(C.) No.33661 of 2009 (C)  
-----

Dated, this the 30<sup>th</sup> day of November, 2009

J U D G M E N T

In this writ petition, challenge is against Ext.P8 passed by the 3<sup>rd</sup> respondent consequential to the decision of the Managing Committee to transfer the petitioner from Guruvayoor to Vengad.

2. The petitioner was appointed as a Pashupalakan by Ext.P1 order and was posted at Vengad Gokulam at Valanchery. According to the petitioner, due to injuries suffered by him in 2007, he sought transfer to Guruvayoor Gokulam. It is stated that the request was allowed. However, in September, 2007, he was transferred to Kaveedu Gokulam. While continuing there, Ext.P5 order dated 03/07/2009 was issued transferring the petitioner to Vengad Gokulam. That order was challenged before this Court in WP(C) No.19697/2009, which was disposed of directing the petitioner to file a representation before the Managing Committee and with a further direction to maintain status quo in the meanwhile. Accordingly, the petitioner submitted Ext.P7 representation. The Managing Committee considered the issue on

30/10/2009 and decided to transfer the petitioner to Vengad Gokulam. It is accordingly that by Ext.P8 the 3<sup>rd</sup> respondent issued consequential orders, which is under challenge.

3. The grievance of the petitioner is mainly against the conclusion of the Managing Committee as reflected in Ext.P8 that medical records produced by the petitioner did not show that the petitioner had undergone treatment for any grievous injuries suffered by him. It is stated that this conclusion in Ext.P8 is factually incorrect, and is also opposed the findings in Ext.P3 proceedings of the Administrator and Ext.P4 medical certificate.

4. The learned counsel submits that if the petitioner is transferred to Vengad Gokulam, the work load will be much more than what he is now discharging. It is stated that with the injuries that he had suffered, it will not be possible for the petitioner to discharge the increased duties.

5. First of all, in Ext.P6 judgment, this Court directed the petitioner to take up his grievance by filing a representation before the Managing Committee, and the Managing Committee was directed to consider the issue in the light of the medical records of the petitioner. It is accordingly that the Managing Committee

considered the matter and resolved to transfer the petitioner. Now that the directions in Ext.P6 judgment have become final, and the petitioner has filed his representation as directed, it is not open to the petitioner to canvass the incompetence of the Managing Committee to decide on the claim of the petitioner and his competence to discharge the duties.

6. As far as the case of work load at Vengad Gokulam is concerned, the learned standing counsel appearing for the Board also submits that the case of excess work load as canvassed by the petitioner is factually incorrect. It is stated that at Vengad Gokulam, although number of cows is much more than what is available at Kaveed, the number of employees is also proportionately more than what is available at Kaveed Gokulam.

Having regard to the view taken by the Managing Committee as reflected in Ext.P8, I am not inclined to interfere with the same.

The writ petition fails and is accordingly dismissed.

(ANTONY DOMINIC, JUDGE)

jg