

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 28TH DAY OF FEBRUARY 2018 / 9TH PHALGUNA, 1939

WP(C).No. 6747 of 2018

PETITIONER:

TITUS P. CHERIYAN,  
S/O.P.T.CHERIAN, PANAMKUNNIL HOUSE, CHAKUVARAKAL,  
KUNNIKODE.P.O, PATHANAMTHITTA.

BY SENIOR ADVOCATE SRI.BECHU KURIAN THOMAS  
ADV.SRI. RONY JOSE

RESPONDENT(S) :

1. KERALA STATE ELECTRICITY BOARD LIMITED,  
OFFICE OF THE CHIEF ENGINEER, (HUMAN RESOURCE  
MANAGEMENT) , VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM-695004.
2. TRANSFER AND GRIEVANCE REDRESSAL COMMITTEE,  
VYDYUTHI BBHAVANAM, PATTOM, THIRUVANANTHAPURAM-695004,  
REPRESENTED BY ITS CHAIRMAN, DIRECTOR (FINANCE) .
3. THE REGIONAL AUDIT OFFICER,  
REGIONAL AUDIT OFFICE, PATHANAMTHITTA.

BY SRI. M.K.THANKAPPAN, SC  
SMT.ANEETHA A.G. , SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 28-02-2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PBS

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1            A TRUE COPY OF THE SERVICE RECORD OF THE  
                             PETITIONER EXTRACTED FROM THE KSEB WEBSITE.

EXHIBIT P2            A TRUE COPY OF THE GENERAL TRANSFER (OFFICERS) ORDER  
                             DATED 11.10.2017 WHICH IS NUMBERED AS EB3(A)/SS/GT/2017  
                             ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P3            A TRUE COPY OF THE NORMS FOR TRANSFER AND  
                             POSTINGS OF OFFICERS OF KSEBL DATED 11.8.2017

EXHIBIT P3(A)        A TRUE COPY OF THE MODIFIED TRANSFER GUIDELINES  
                             DATED 19.9.2017.

EXHIBIT P4            A TRUE COPY OF THE APPEAL SUBMITTED BY THE  
                             PETITIONER TO THE 2ND RESPONDENT

EXHIBIT P5            A TRUE COPY OF THE NOTE PUT UP BY THE KSEB  
                             DATED 04.11.2017 CONVEYING THE DECISION OF THE  
                             GRIEVANCE COMMITTEE.

EXHIBIT P6            A TRUE COPY OF THE JUDGMENT IN W.P(C)NO.35676/2017  
                             DATED 07.11.2017.

EXHIBIT P7            A TRUE COPY OF THE ORDER NUMBERED AS  
                             NO:EB.3(A)/SS/WP.35676/2017 DATED 16.12.2017 ISSUED  
                             BY THE 2ND RESPONDENT

EXHIBIT P8            A TRUE COPY OF THE RELIEVING MEMO NUMBERED AS  
                             NO:EB/T&P/RELIEVING ORDER OF SS/2016-17/330 DATED  
                             19.02.2018.

EXHIBIT P9            A TRUE COPY OF THE CIRCULAR DATED 19.02.2018  
                             ISSUED BY THE 1ST RESPONDENT.

RESPONDENT'S EXHIBIT

NIL

/TRUE COPY/

PA TO JUDGE

**P.V.ASHA J.**

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**W.P.(C).No.6747 of 2018**  
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Dated this the 28<sup>th</sup> day of February, 2018

**JUDGMENT**

The petitioner, who is a Senior Superintendent has filed this writ petition challenging his transfer as well as the order rejecting his appeal in Ext.P7 order by the Grievance Redressal Committee.

2. It is stated that petitioner is due to retire from service on 31.07.2019. It is also stated that he joined as Senior Superintendent on promotion and posted at Pathanamthitta only 29.07.2015, where he is entitled to continue for a period of three years.

3. Petitioner was transferred from Pathanamthitta to Unnikulam Sub Station at Kozhikode.

According to him, he has been subjected to transfer before completing his normal tenure and without giving him the benefit of a posting near home station on account of the impending retirement in 2019, only because he is an office bearer of an employees' organisation rival to the ruling party.

4. Petitioner had raised these contentions in the appeal which was considered by the appeal committee on direction from this Court. The appeal committee found that, out of the total services of 23 years and 6 months, he worked in his domicile station Kollam for 18 years and the rest of period he worked in Pathanamthitta except for the period of 1 year and 4 months at Malappuram. It is pointed out that there is shortage of officers in northern districts of Kerala and petitioner was found to have the minimum index of 32159 and he was not found eligible to be retained at Pathanamthitta. It is also stated that there are 23 officers who declared their domicile as

Pathanamthitta whereas the number of posts available in Pathanamthitta is only 21. Therefore, petitioner who is having the least service index was transferred.

5. Apart from the vague statement that petitioner belongs to a rival organisation, petitioner has not alleged any malafides behind the transfer with the support of any materials. It is relevant to note that petitioner could continue major portion of service in his domicile station itself despite being an office bearer of the said service organisation.

6. In the above circumstances, the order of transfer Ext.P7 cannot be said to be illegal warranting interference of this Court under Article 226 of the Constitution of India. It is for the 1<sup>st</sup> respondent to decide where the employees should be posted.

7. The learned Standing Counsel points out that the process for the next General Transfer for the year 2018-19 has already started. Petitioner is free to

submit his application and claim whatever benefits are available to him.

With this observation, this writ petition is dismissed.

Sd/-

**P.V.ASHA, JUDGE.**