

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 31ST DAY OF JANUARY 2019 / 11TH MAGHA, 1940

WP(C).No. 25710 of 2018

PETITIONER:

SINDHU R. NAIR,
D/O.LATE M.K.RAVEENDRAN NAIR, AGED 50 YEARS,
1 AB, ALPHA VIOLET, SREE GOKULAM HARMONIA,
KANGARAPPADY, KOCHI - 682 021.

BY ADVS.
SRI.A.S.DILEEP
SMT.SUSEELA DILEEP

RESPONDENTS:

- 1 KERALA STATE CO-OPERATIVE AGRICULTURAL AND
RURAL DEVELOPMENT(KSCARD) BANK LIMITED
HAVING ITS HEAD OFFICE AT STATUE JUNCTION,
STATUE ROAD, PALAYAM, TRIVANDRUM - 695 001,
REPRESENTED BY ITS MANAGING DIRECTOR.
- 2 THE PRESIDENT,
KSCARD BANK, HEAD OFFICE, STATUE JUNCTION,
STATUE ROAD, PALAYAM, TRIVANDRUM - 695 001.
- 3 THE MANAGING DIRECTOR,
KSCARD BANK LTD., HEAD OFFICE,STATUE JUNCTION,
STATUE ROAD,PALAYAM, TRIVANDRUM - 695 001.
- 4 THE GENERAL MANAGER,
KSCARD BANK, HEAD OFFICE,STATUE JUNCTION,
STATUE ROAD,PALAYAM, TRIVANDRUM - 695 001.
- 5 THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
KERALA, CORPORATE OFFICE, JAGATHY,
TRIVANDRUM - 695 014.

BY ADVS.
SRI.GEORGE POONTHOTTAM,SC,KSCOARDBANK L
SRI.M.SASINDRAN
SMT MABLE C.KURIEN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31.01.2019, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

The petitioner has filed this writ petition under Article 226 of the Constitution of India, seeking the following reliefs;

- A) Issue a writ of certiorari or any other appropriate writ or order, quashing Ext.P2 transfer and posting order dated 17/04/2018 issued by 3rd respondent so far as it affects the petitioner, with effect from its date of issuance, the same being, perverse, arbitrary and illegal and against all norms of Natural justice.
- B) Hold that the order transferring the petitioner as per Ext.P2 from the post of Principal, ITM, KSCARD Bank, Ernakulam to the post of Chief Inspecting Officer (North Zone) Kannur as bad and nonest in law.
- C) Issue a writ of mandamus or any other appropriate writ or order, directing the 3rd respondent to order transfer of the petitioner from the post of Chief Inspecting Officer (North Zone) Kannur and post and reinstate her to the original post of Principal, ITM, KSCARD Bank, Ernakulam with immediate effect.
- D) Hold that the 4th respondent is guilty of having abused her officer and status as the General Manager of the KSCARD Bank by hatching conspiracy and doing acts and deeds and creating false evidence against the petitioner by herself and through her men to cause baseless allegations hurt, injure, cause hardships and misery to her, to malign, discredit and lower the image and reputation of the petitioner among her co-workers, among

the society at large, among the persons who know her status and credibility as officer of the bank, and also among the petitioner's innumerable friends, relatives and well-wishers and direct the authority concerned to initiate departmental as well as criminal action against her.

(E) Direct the respondents to collectively pay adequate compensation for the damage, misery and hardships caused to the petitioner by issuing and implementing Ext.P2 order akin to a punishment transfer based on false and frivolous allegations raised in the reports submitted by the 4th respondent to wreck her personal vengeance and also costs of this proceeding to the petitioner within such time as may be fixed by this Hon'ble Court and to realize all such amount from the person and personal assets of the 4th respondent.

2. On 31.07.2018, when this writ petition came up for admission, this Court admitted the matter on file. The learned Standing Counsel took notice for respondents 1 to 4 and the learned Senior Government Pleader took notice for the 5th respondent. Respondents were directed to file counter affidavit within three weeks.

3. Heard the learned counsel for the petitioner, the learned Standing Counsel for respondents 1 to 4 and also the learned Senior Government Pleader appearing for the 5th respondent.

4. A reply affidavit has been filed on behalf of the petitioner on 16.10.2018.

5. Now, the petitioner has filed I.A.No.1 of 2019, seeking an order to withdraw this writ petition.

6. Having considered the submission made by the learned counsel for the petitioner, this writ petition is dismissed as withdrawn.

I.A. No.1 of 2019 is accordingly disposed of.

Sd/-
ANIL K. NARENDRA
JUDGE

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APPENDIX**PETITIONER'S EXHIBITS:**

- EXHIBIT P1** COPY OF THE FIRST RESPONDENT'S BYE LAWS AMENDED UP TO 29/06/2005 (RELEVANT PAGES) .
- EXHIBIT P2** COPY OF THE SAID TRANSFER AND POSTING ORDER DATED 17/04/2018, BEARING NO.E1/MISC/2018 ISSUED BY THE 3RD RESPONDENT ISSUED TO THE PETITIONER AND 7 OTHERS.
- EXHIBIT P3** COPY OF THE SAID TRANSFER AND POSTING ORDER DATED 17/04/2018, BEARING NO.E1/MISC/2018 ISSUED BY THE 3RD RESPONDENT ON THE GROUNDS OF ADMINISTRATIVE CONVENIENCE AND EXIGENCY OF SERVICE.
- EXHIBIT P4** COPY OF EMAIL MESSAGE SENT BY THE PETITIONER TO HEAD OFFICE ON 02/04/2018 FORWARDING REQUEST FOR CASUAL LEAVE.
- EXHIBIT P4 (A)** COPY OF CASUAL LEAVE APPLICATION SENT AS ATTACHMENT TO EXHIBIT P4 BY THE PETITIONER.
- EXHIBIT P4 (B)** COPY OF COVERING LETTER NO.KSCARDB ITM/EST/2018-19 SENT AS ATTACHMENT TO EXHIBIT P4 BY THE PETITIONER.
- EXHIBIT P5** PHOTOCOPY OF THE WRITING IN PAPER BY THE 4TH RESPONDENT WITH HER SIGNATURE, DATED NIL.
- EXHIBIT P6** COPY OF THE RELEVANT PAGES OF THE MESSAGE REGISTER MAINTAINED BY THE PRINCIPAL, ITM OFFICE, ERNAKULAM, IN THE ORDINARY COURSE OF ITS REGULAR BUSINESS CONTAINING DETAILS OF THE INWARD AND OUTWARD MESSAGES FROM AND TO THE HEAD OFFICE 3.30 PM ON 09/03/2018 TILL 12.15 PM ON 28/04/2018.

EXHIBIT P7	COPY OF THE RELEVANT PAGE OF MATHRUBHOOMI DAILY DATED 29/04/2018 CONTAINING THE REPORT AND PHOTO OF THE PETITIONER'S HUNGER STRIKE ON THE VERANDAH OF THE ITM BUILDING.
EXHIBIT P8	COPY OF THE RELEVANT PAGE OF THE SAID NEWSPAPER DATED 30/04/2018 CONTAINING THE REPORT ABOUT THE PETITIONER'S PROTEST.
EXHIBIT P9	COPY OF PETITIONER'S REPRESENTATIONS SENT TO 2ND RESPONDENT ALONG WITH COVERING LETTER.
EXHIBIT P9 (A)	COPY OF PETITIONER'S REPRESENTATIONS SENT TO 3RD RESPONDENT ALONG WITH COVERING LETTER.
EXHIBIT P9 (B)	COPY OF PETITIONER'S REPRESENTATION SENT TO 5TH RESPONDENT ALONG WITH COVERING LETTER.
EXHIBIT P10	COPY OF POSTAL ACKNOWLEDGMENT FROM 2ND RESPONDENT.
EXHIBIT P10 (A)	COPY OF POSTAL ACKNOWLEDGEMENT FROM 3RD RESPONDENT.
EXHIBIT P10 (B)	COPY OF POSTAL ACKNOWLEDGMENT FROM 5TH RESPONDENT.
EXHIBIT P11	COPY OF LETTER NO.LEGAL/DSC/2018/19 DATED 17.08.2018 ADDRESSED TO PETITIONER.
EXHIBIT P11 (A)	COPY OF REPLY DATED 28.08.2018 FROM THE PETITIONER TO THE CHAIRMAN OF THE 1ST RESPONDENT.

1 TO 4 RESPONDENTS' EXHIBITS:

EXHIBIT R1 (A) TRUE COPY OF THE REPORT OF THE GENERAL
MANAGER ALONG WITH PHOTOGRAPHS.

EXHIBIT R1 (B) TRUE COPY OF THE DECISION OF THE BOARD
OF DIRECTORS TAKEN ON 21.04.2018.

TRUE COPY

P.A. TO JUDGE