

Kerala High Court

S.Mohanan vs Director Of Printing on 22 December, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 29766 of 2009(M)

1. S.MOHANAN, JUNIOR FOREMAN,  
... Petitioner

Vs

1. DIRECTOR OF PRINTING,  
... Respondent

2. DEPUTY SUPERINTENDENT (IN CHARGE),

3. SMT.S.SALINI, BINDER GRADE II,

For Petitioner :SRI.SAIGI JACOB PALATTY

For Respondent :SRI.S.P.ARAVINDAKSHAN PILLAY

The Hon'ble MR. Justice ANTONY DOMINIC

Dated :22/12/2009

O R D E R

ANTONY DOMINIC, J.

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W.P.(C.) No.29766 of 2009 (M)  
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Dated, this the 22nd day of December, 2009

J U D G M E N T

Challenge in the writ petition is against Ext.P8 order dated 20/10/2009, by which the petitioner has been transferred from the Government Press Thiruvananthapuram to the Government Press, Ernakulam.

2. The petitioner is working as a Junior Foreman in the Lottery Section of the Government Press, Mannamthala, Thiruvananthapuram. By Ext.P8, on the allegation that there are records that he has

misbehaved with the 3rd respondent, pending disciplinary action he has been transferred to Ernakulam Government Press on other duty. According to the petitioner, the transfer has been ordered at the instance of the 3rd respondent, whose husband is the State Treasurer of the CITU.

3. The respondents have filed counter affidavits. Although, several allegations have been made in the counter affidavit, it is now disclosed that the transfer order was necessitated on account of WP(C) No.29766/2009 Ext.R3(a) dated 19/03/2009, the complaint filed by the 3rd respondent against the petitioner, and the findings in Ext.R1(a), the report submitted by the Women's Grievance Cell. It is stated that based on these two documents, disciplinary action is contemplated and that if the petitioner retained at Thiruvananthapuram, that will effect the disciplinary proceedings.

4. The question is whether based on these two documents, an order requiring the transfer of the petitioner is justified. Ext.R3

(a) is the complaint made by the 3rd respondent against the petitioner on 19/03/2009. A reading of this complaint shows that she was complaining that the petitioner misbehaved with her during December, 2008. There is no explanation for this belated complaint. It is seen that on receipt of this complaint, the Women's Grievance Cell issued Ext.P6 notice to the petitioner, conducted enquiry and submitted Ext.R1(a) report. None of the conclusions arrived in Ext.R3(a) show that any findings have been arrived at against the petitioner, except that the working of the petitioner and his wife in the same section has caused heartburn to several of their colleagues. Therefore, there is no finding against the petitioner WP(C) No.29766/2009 even in Ext.R1(a) report. Therefore, Ext.R3(a), which led to Ext.R1

(a), and the conclusions in Ext.R1(a) cannot be the basis of any order requiring the shifting of the petitioner from Thiruvananthapuram as ordered in Ext.P8. For that reason, I am inclined to think that Ext.P8 is illegal and is liable to be set aside, and I do so.

However, it is clarified that if on any material, the authorities are convinced that any disciplinary action is warranted against the petitioner, this judgment will not stand in the way of the authorities in initiating any such action.

This writ petition is disposed of as above.

(ANTONY DOMINIC, JUDGE) jg