

Kerala High Court

George Mammen vs State Of Kerala on 12 March, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 12919 of 2008(K)

1. GEORGE MAMMEN, S/O.KOCHU VARKEY,  
... Petitioner

Vs

1. STATE OF KERALA, REPRESENTED BY ITS  
... Respondent

2. THE CHIEF ELECTRICAL INSPECTOR,

3. JACOB MENACHERY, ELECTRICAL INSPECTOR,

For Petitioner :SRI.N.JAMES KOSHY

For Respondent :GOVERNMENT PLEADER

The Hon'ble MR. Justice T.R.RAMACHANDRAN NAIR

Dated :12/03/2009

O R D E R

T.R.RAMACHANDRAN NAIR, J

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W.P.(C) No. 12919 of 2008  
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Dated this the 12th day of March, 2009

JUDGMENT

The petitioner has approached this Court, aggrieved by the order of transfer Ext.P2. As per Ext.P2, the petitioner was transferred from Alappuzha and posted as Electrical Inspector in Kannur. Petitioner challenged the same before this Court filing W.P.(C) No.3804 of 2008. This Court directed the respondents to consider the grievance raised by the petitioner in Ext.P3 representation. He was also allowed to file a supplementary representation in the matter. Petitioner is permanently settled in Ernakulam and the third respondent is a native of Angamaly. He had also sought for

accommodation in an open vacancy which would arise Thrissur on 1.3.2008. The third respondent also submitted his written consent as per Ext.P6. The vacancy which was due to arise in Thrissur was a promotion vacancy. By Ext.P7, again the petitioner's request was rejected stating that no change is required. Petitioner contend for the position that the said order was passed without considering the directions issued by this Court and without considering the grievance raised by the petitioner.

2. While admitting this writ petition, this Court passed an interim order on 11.04.2008 directing the first respondent to consider the posting of the petitioner in the vacancy at Thrissur, if it is not filled up so far.

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3. Respondents have filed a counter affidavit stating that there was no vacancy at Thrissur at the time of issuance of Ext.P7. The order passed by the Government is not justified on the ground that competent claims have been considered while taking the decision.

4. The learned standing counsel appearing for the petitioner submits that in the vacancy that arose in Thrissur another person has been accommodated already. The petitioner is a native of Ernakulam district and therefore, he is seeking for a transfer to Ernakulam or in Alappuzha.

5. Now the general transfer 2009 is due. Earlier, he was working in Wayanad from where he was transferred to Alappuzha. The claim of the petitioner will be considered during the General Transfer, 2009. Appropriate orders will be passed by taking note of the fact that the petitioner had been agitating for a transfer back, in the earlier writ petition and again in the present one.

The writ petition is disposed of accordingly.

T.R.RAMACHANDRAN NAIR, JUDGE bps