

Abdul Samad Vs. the State of Kerala

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Court : Kerala

Decided On : Feb-03-2014

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Abdul Samad

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON MONDAY, THE 3RD DAY OF FEBRUARY 2014 14TH MAGHA, 1935 WP(C).No. 30829 of 2013 (C)

----- PETITIONER(S): ----- ABDUL SAMAD P., AGED 24 YEARS, S/O. THIRIYAYIL BEERANKUTTY, A R NAGAR P.O., THIRURANGADI TALUK, MALAPPURAM DISTRICT. BY ADV. SRI.G.SREEKUMAR (CHELUR) RESPONDENT(S): ----- 1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, FOOD AND CIVIL SUPPLIES DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

2. THE DIRECTOR OF CIVIL SUPPLIES, THIRUVANANTHAPURAM - 695 001.

3. THE COMMISSIONER OF CIVIL SUPPLIES, THIRUVANANTHAPURAM - 695 001.

4. THE DISTRICT SUPPLY OFFICER, MALAPPURAM - 676 505.

5. T BASHEER, ASSISTANT TALUK SUPPLYOFFICER, THIRURANGADI TALUK OFFICE, MALAPPURAM DISTRICT - 676 505. R1 TO R4 BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON0302-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Kss WP(C).No. 30829 of 2013 (C)

----- APPENDIX PETITIONER(S)' EXHIBITS:
----- EXHIBIT P1. A TRUE COPY OF THE

ORDER

PASSED BY THE THIRD RESPONDENT DATED3112.2012. EXHIBIT P2. A TRUE COPY OF THE

ORDER

PASSED DATED0312.2013 OF THE OFFICE OF THE DISTRICT SUPPLYOFFICE. EXHIBIT P3. A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT DATED0412.2013. RESPONDENT(S)' EXHIBITS: -----

N I L /TRUE COPY/ P.A.TO JUDGE Kss P.R. RAMACHANDRA MENON J.

~~~~~ W.P.(C) No. 30829 of 2013

~~~~~ Dated, this the 3rd day of February, 2014

JUDGMENT

The petitioner has approached this Court with the following prayers : "i. Call for the records leading to Ext. P2 and may be pleased to issue a writ of certiorari quashing the same. ii. Issue a writ of mandamus or any other appropriate writ order or direction commanding the second respondent to consider Ext.P3 and to recall the said order Ext. P2 in so far as the fifth respondent herein is appointed as the Assistant Taluk Supply Officer in the officer of the Thirur Taluk Supply Office, in Malappuram district in the interest of justice. AND iii. To pass any such or further orders as the petitioner may seek and this Hon'ble Court deem fit to grant.

2. The learned counsel for the petitioner submits that the posting given to the 5th respondent is quite contrary to the turn of events leading to Ext. P2 proceedings taken at the instance of the petitioner and it was in the said circumstances that the

petitioner preferred Ext. P3 to recall Ext. P2. W.P.(C) No. 30829 of 2013 :

2. :

2. Heard the learned Government Pleader as well.

3. Going by the pleadings and proceedings this Court finds that the posting to be given to the 5th respondent/employee is within the prerogative of the 'employer' and the petitioner, who is a total stranger, does not have any 'locus standi' for the same. It is for the concerned respondent/employer to look into the facts and figures and to give appropriate posting, depending upon the administrative exigency. This Court does not propose to go into the merits of the case, but for observing that the respondents are at liberty to pass appropriate orders taking note of the actual facts and circumstances. Interference is declined and the Writ Petition is dismissed. Sd/- P. R. RAMACHANDRA MENON, (JUDGE) kmd

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