

Sajith.K. vs State of Kerala,

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Court : Kerala

Decided On : Apr-11-2025

Judge : Honourable Mr. Justice D. K. Singh

Appeal No. : WP(C)/13735/2025

Appellant : Sajith.K.

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE D. K. SINGH FRIDAY,
THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947
PETITIONER/S: 1 SAJITH.K. AGED 44 YEARS S/O KARUNAKARAN
NAIR. JUNIOR ASSISTANT, SUPPLY CO. SUPERMARKET KAREET.
ATTINGAL DEPOT, ATTINGAL P.O., THIRUVANANTHAPURUM
DISTRICT, RESIDING AT POIKAVILA PUTHENVEEDU, PULIYOOR
KONAM.P.O. KILIMANOOR, THIRUVANANTHAPURAM, PIN - 695101

2 SMITHA S. AGED 41 YEARS W/O AJAYAN S. JUNIOR ASSISTANT,
OCHIRA SUPERMARKET OFFICER IN CHARGE. KARUNNAGAPALLI
SUPPLY CO. TALUK DEPOT, KARUNNAGAPALLI P.O., KOLLAM
DISTRICT, PIN - 3 SMITHA.S.R. AGED 44 YEARS W/O VINOD

KUMAR. JUNIOR ASSISTANT, KOLLAM SUPPLY CO. TALUK DEPO. KOLLAM P.O., KOLLAM DISTRICT, PIN - 691001 4 REJITH D. AGED 38 YEARS S/O G. DEVARAJAN JUNIOR ASSISTANT, KOLLAM SUPPLY CO. TALUK DEPO. KOLLAM P.O., KOLLAM DISTRICT,, PIN - 691001 5 SANDHYA RANI AGED 44 YEARS W/O RAJANEESH BABU. JUNIOR ASSISTANT, SUPPLY CO. TALUK DEPOKARUNNAGAPALLI KARUNNAGAPALLI P.O., KOLLAM DISTRICT,, PIN - 690518 6 SREEJA C.V. AGED 52 YEARS W/O SABU T.V. JUNIOR ASSISTANT, SUPPLY CO. MAVELI STORE ATTINGAL DEPOT, KALAMBALAM P.O., TRIVANDRUM DISTRICT,, PIN - 695605 7 JAYAKUMAR P.R. AGED 51 YEARS S/O RAMAKRISHNA PILLAI. SENIOR ASSISTANT I, SUPPLY CO. DEPOT NEDUMANGADU. NEDUMANGADU P.O., TRIVANDRUM DISTRICT, PIN - 695541 8 SUNIL RAJ L.E. AGED 51 YEARS S/O LAKSHMANAN N. SENIOR ASSISTANT II, UCHAKADA MAVELI STORE NEYATINKARA DEPOT UCHAKADA P.O., THIRUVANANTHAPURUM DISTRICT, PIN - 695506 BY ADVS. TONY GEORGE KANNANTHANAM P.A.SALIM AJITH GEORGE KOOLA RESPONDENT/S: 1 STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, FOOD & CIVIL SUPPLIES DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM,, PIN - 695001 2 THE KERALA CIVIL SUPPLIES CORPORATION LIMITED, MAVELI BHAVAN, MAVELI ROAD, GANDHI NAGAR, KOCHI REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR, PIN - 3 THE CHAIRMAN & MANAGING DIRECTOR THE KERALA CIVIL SUPPLIES CORPORATION LIMITED, MAVELI BHAVAN, MAVELI ROAD, GANDHI NAGAR, KOCHI, PIN - 682020 4 THE ADDITIONAL GENERAL MANAGER (P & A), THE KERALA CIVIL SUPPLIES CORPORATION LIMITED, MAVELI BHAVAN, MAVELI ROAD, GANDHI NAGAR, KOCHI, PIN - 682020 BY ADV R.RANJANIE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Petitioners are employees of the Kerala State Civil Supplies Corporation, a Government of Kerala undertaking. The petitioners have filed this writ petition, challenging Ext.P4 order, whereby, they have been transferred from their present place of posting i.e., from Thiruvananthapuram to Palakkad. 2.As per the direction of this Court, a statement has been filed on behalf of the 02nd respondent Corporation stating that at present, Thiruvananthapuram region has excess staff, and there is a shortage of staff in Palakkad region. The request was received from the Regional Manager of Palakkad on 14.03.2025, stating that there was a huge shortage of staff in the Palakkad region.

3. Considering the aforesaid facts, the petitioners have been

transferred from their present place of posting to Palakkad, where they have been working for quite a substantial number of years. It is further stated that there is neither malafide nor the transfer of the petitioners is against the service rules, i.e., Kerala State Civil Supplies Corporation Common Service Recruitment Rules, 2021. Rule 156(2C) prescribed that it would be justified for the Corporation to transfer the employee for the smooth functioning of the office/ unit/ depot and the employee can be transferred at any time during a calendar year. 4.Paragraph 6 of the statement filed by the 02nd respondent would read as under:

6. Following the request of the Regional Manager, Palakkad the details of employees working in the same depot for more than 5 years were obtained from Thiruvananthapuram Regional Manager. After checking the list, the transfer order dated 22.3.2025 was issued, excluding employees due to retire within 3 years, and those with unhealthy conditions. On examining the staff strength in February 2025, of Palakkad region and Thiruvananthapuram region, it can be seen that the number of employees in the Thiruvananthapuram region is significantly higher. The table below shows the number of outlets of the Corporation and number of employees working in the outlets, in the Palakkad and Thiruvananthapuram region.

Palakkad Region Trivandrum Region Total No. of Outlets 386 339 No. of Senior Assistant-I 56 132 No. of Senior Assistant-II 24 75 No. of Senior Assistants 156 158 Assistant Sales Man 344 304 TOTAL 580 669

5.It is not in dispute that the petitioners hold a transferable post and they can be transferred to any region under the relevant service rules. The transfer and posting are not malafide nor against the service rules. This court cannot decide whether the transfer and posting are justified or not, it is for the competent authority to post the employees working under him utilizing their best services to the interest of the organization, and the court should be loath to interfere with the transfer and posting of the employees. The transfer is an incidence of service, and unless there are overwhelming reasons to suggest that the transfer was not for administrative exigency but a result of a malafide exercise of powers, this court should not interfere with such administrative allegations. 6.In view thereof, I do not find that the petitioners have a claim to remain posted for the whole time at Thiruvananthapuram, and the writ petition does not appear to have any merit. The same is therefore dismissed, however, without cost. Needless to say, the dismissal of the writ petition will not come in the way of 3rd and 4th respondents to consider and take the decision on Ext.P6 representation. The authority, while considering Ext.P6 representation without being prejudiced by the dismissal of the writ petition, as expeditiously as possible, preferably within a period of one month. The present writ petition is accordingly dismissed. Sd/- D. K. SINGH JUDGE SJ

APPENDIX OF WP(C) 13735/2025 PETITIONER EXHIBITS Exhibit.P1 TRUE COPY OF THE MINUTES OF THE MEETING DATED 19-12-2018 WITH ENGLISH TRANSLATION Exhibit.P2 TRUE COPY OF THE JUDGMENT DATED 3-4-2019 IN W.P(C)NO. 8246/2019. A COPY OF THE DATED 3-4- 2019 OF THIS HON. COURT. Exhibit.P3 TRUE COPY OF G.O(P)3/2021/F & CSD DATED 11-2- Exhibit.P4 TRUE COPY OF THE PROCEEDINGS NO. KSCSC/2382/2025-D10(ADMN) DATED 22-3-2025 WITH ENGLISH TRANSLATION Exhibit.P5 TRUE COPY OF THE CIRCULAR NO. M15 3855/15 DATED 21-3-2015 Exhibit.P6 TRUE COPY OF THE REPRESENTATION DATED 24-3- Exhibit.P7 TRUE COPY OF THE REPRESENTATION DATED 23-3- Exhibit.P8 TRUE COPY OF THE REPRESENTATION DATED 25-3- Exhibit.P9 TRUE COPY OF THE REPRESENTATION DATED 24-3- Exhibit .P10 TRUE COPY OF THE

REPRESENTATION DATED 25-3- Exhibit.P11 TRUE COPY OF THE
REPRESENTATION DATED 25-3- Exhibit.P12 TRUE COPY OF THE
REPRESENTATION DATED 25-3- Exhibit.P13 TRUE COPY OF THE
REPRESENTATION DATED 25-3- 2025 WITH TYPED COPY OF ENGLISH
TRANSLATION

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