

(2024) 12 KL CK 0085
In the High Court Of Kerala
Case No : Writ Appeal No. 2161 Of 2024

Binu KC

APPELLANT

Vs

Kerala State Electronics Development Corporation Ltd Ration
Ltd

RESPONDENT

Date of Decision : 27-12-2024

Acts Referred:

Citation : (2024) 12 KL CK 0085

Hon'ble Judges : Dr.Kauser Edappagath, J;Basant Balaji, J

Bench : Division Bench

Advocate : S.Prasanth, Anupama Sibi, N.R.Reesha, Varsha Bhaskar, M.A.Zohra

Final Decision : Dismissed

Judgement

Basant Balaji J

1. The appellant, who was the petitioner before the learned Single Judge in W.P. (C) No.41672 of 2024, has filed this appeal under Section 5 of the Kerala High Court Act. The appellant approached this court for a writ of certiorari to quash Ext.P14 office order dated 19.11.2024, whereby he was transferred and posted to Keltron Marketing office, Bangalore with effect from 25.11.2024, and for a further direction to consider Ext.P16 representation.

2. While working in I.T. Business Group at Thiruvananthapuram from 30.7.2015, he was transferred to Lighting division, Mudadi, Kozhikode and he joined there on 14.7.2021. By office order dated 29.1.2024, he was transferred to Marketing office, Bangalore with immediate effect. The appellant filed a representation dated 2.2.2024 to cancel the transfer order and to give him a posting in a nearby office in Kozhikode itself. Thereafter, he approached this court by filing W.P.(C) No.5347 of 2024, and this court by order dated 9.2.2024 directed the Managing Director to take up his representation and to pass appropriate orders within 2 weeks and till such time, the transfer order was stayed. The petitioner was called for a hearing and thereafter, Ext.P11 order 20.2.2024 was issued, by which the

transfer order was kept in abeyance on humanitarian and compassionate grounds and was transferred to Keltron Knowledge Service Group Centre, Kozhikode under IT business group of KSEDC for a period of 6 months.

3. The appellant again filed another representation as Ext.P12 dated 17.8.2024 to retain him in Kozhikode itself as his wife was in the advanced stage of pregnancy. Taking note of this, the appellant was retained for another period of 3 months. It is thereafter, while the petitioner was transferred to Bangalore, he has approached this court by filing the Writ Petition on the grounds of corruption against certain officers. The learned Single Judge, by the impugned judgment, entered into a finding that there exists no grounds to interfere with the transfer order, more particularly, when his request for retain him was favourably considered twice by the respondent Company.

4. Transfer is an incident of service and an employee is bound to serve the employer wherever he is transferred and the discretion is vested with the competent authority on administrative exigencies. Interfering with the transfer and posting of an employee is permissible only if there is mala fide or it is against Service Rules. When the request for retain him in Kozhikode was made twice, the appellant was not having a case of mala fide against any of the officers. Only after he has successfully completed 9 months service in Kozhikode, a case of corruption has been projected. We do not find any mala fide or any violation of the Service Rules in transferring the appellant as per Ext.P14. Therefore, no interference is warranted to the judgment of the learned Single Judge.

Accordingly, this Writ Appeal fails, and it is dismissed.