

(2012) 06 KL CK 0201

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 11991 of 2012 (Y)

C.V. Vijayan

APPELLANT

Vs

The Guruvayur Devaswom Managing Committee

RESPONDENT

Date of Decision : 27-06-2012

Acts Referred:

Citation : (2012) 06 KL CK 0201

Hon'ble Judges : Thottathil B. Radhakrishnan, J;K. Vinod Chandran, J

Bench : Division Bench

Advocate : Sajeew Kumar K. Gopal, Sri. Arun Kumar. P and Smt. Ambika Radhakrishnan, for the Appellant; P. Gopal R1 and R2 BY Standing Counsel, for the Respondent

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, J

1. The petitioner was placed under suspension while working as Superintendent under the Guruvayoor Devaswom. He challenged that proceeding before this Court. It was held that the authority which issued the order of suspension was not empowered to do so. Resultantly, the order of suspension was quashed. It appears that thereafter he was permitted to rejoin duty and disciplinary proceedings have been initiated. After the aforesaid sequence of events, the Guruvayoor Devaswom authorities issued the impugned order transferring the petitioner to Vengad Gokulam in Malappuram District. The approximate distance between the petitioner's residence in Peramangalam in Thrissur to Vengad in Malappuram District is 70 Kms.

2. The petitioner, with the materials on record, strenuously contends that the impugned order of transfer is punitive in nature and emerges from the mindset of the administration having regard to the allegations raised against him in Exhibit P6 show cause notice. We have given our anxious consideration to the contents of Exhibits P5 and P6, which are matters in connection with the

disciplinary proceedings. We have also considered Exhibit P10, which is also part of the disciplinary proceedings.

3. Going by Exhibit P11, the administration has clearly stated therein the reason for the transfer. It is attributed to the administrative requirement to have further empowerment of the staff strength in Vengad Gokulam. It is a matter of record of this Court that Vengad Gokulam is now subjected to a suo motu proceedings on the basis of a complaint by a devotee and the situation there is being taken care of by a Committee with the District Collector as the Chairperson. Two Advocate Commissioners are involved in that Committee. The Guruvayoor Devaswom is also anxiously wanting to see that whatever has to be done in Vengad needs to be done on war-footing. The Kerala Livestock Development Board, the Veterinary Science University, the State of Kerala and other institutions are also involved in augmenting the situation in Vengad. The Central Public Works Department had also been brought to be in charge of the construction activities. With all these, the Devaswom cannot be criticized for transferring the petitioner to Vengad. Even if the petitioner's contention as to victimization could be a plausible approach in the given fact situation, we are inclined to think that the predominant need is to have further staff in Vengad and the complaint of the petitioner that there are juniors to him in the cadre who could be sent there, cannot stand. We do not see that the impugned order of transfer is actuated by malice, mala fides or that it is the result of concerted effort to victimize the petitioner.

4. Though much has been argued before us contrasting the charges against the petitioner and the reply given by him to those allegations, to persuade us in favour of the petitioner, we dissuade ourselves from making any remark on those facts which would attract the attention of the disciplinary authority, since the matter is pending there.

5. For the aforesaid reasons, this writ petition fails. The same is, accordingly, dismissed. The Judges Papers in this writ petition also includes different affidavits which were filed by the Board and the materials which the petitioner has placed on record indicating the plight of the elephants in Guruvayoor Anakotta. We, therefore, direct that the Judges Papers of this writ petition shall be placed along with D.B.P.Nos.125 of 2012 and 78 of 2012 and W.P.(C).No.22091 of 2011. All those will stand tagged along hereafter.