
(2014) 02 KL CK 0103
In the High Court Of Kerala
Case No : W.P. (C) No. 2194 of 2014 (Y)

Valsala M.D.

APPELLANT

Vs

The Director, Kerala State Literacy Mission Authority
(KSLMA), General Education Department and The Principal
Secretary to Government, Personal and Administrative
Reforms Department

RESPONDENT

Date of Decision : 03-02-2014

Acts Referred:

Citation : (2014) 02 KL CK 0103

Hon'ble Judges : C.K. Abdul Rehim, J

Bench : Single Bench

Advocate : Nirmal. S., Advocate for the Appellant; V.A. Mohammed, Advocate SC, Kerala State Literacy Mission Authority R1 and Sri. Fayaz M.A., Government Pleader, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

C.K. Abdul Rehim, J.—The petitioner is working as "District Coordinator" under the Kerala State Literacy Mission Authority, which is an autonomous body constituted for providing continuing education for neo literates, petitioner is challenging Ext. P1 order issued by the 1st respondent to the extent she was transferred from Kozhikode to Palakkad District. Main ground on which the transfer is assailed is that, the petitioner had undergone inter-caste marriage and her husband is working at Calicut University, stationed at Thenhipalam near to Calicut city. The petitioner had produced Ext. P3 Government Order prescribing norms that Government employees who have undergone inter-caste marriage shall be permitted to work at places where the spouse is working.

2. In a statement filed on behalf of the 1st respondent it is mentioned that Ext. P3 Government Order is applicable only with respect to Government employees and it is not applicable with respect to employees engaged by the Mission. The petitioner as District Project Coordinator is working purely on contract basis and

the said Government Order is not applicable in her case. The contract employee cannot claim benefit of Ext. P3 G.O., is the statement. It is mentioned that the petitioner was initially appointed as District Project Coordinator at Palakkad in the year 2008 and she was transferred to Kozhikode after a period of one year. According to the 1st respondent, the present transfer impugned herein was ordered only on considering earlier experience of the petitioner in tribal areas like "Attappady" and the order is issued purely on administrative convenience.

3. The person who was ordered to be transferred against the petitioner, Sri. V.V. Shyamlal, District Project Coordinator, Palakkad, had entered appearance through a counsel and submitted that he is filing an application for getting impleaded in this writ petition. According to the learned counsel the order of transfer is causing much difficulties and inconvenience to him also.

4. It is evident from Ext. P1 that the petitioner and Sri. V.V. Shyamlal were transferred mutually. The petitioner expresses personal difficulties in working at Palakkad since her husband is working in Calicut and that she had undergone inter-caste marriage. Sri. V.V. Shyamlal the District Project Coordinator transferred to Kozhikode is also expressing difficulties. As conceded by all the counsel, Ext. P1 order has not taken effect with respect to transfer of the petitioner and Sri. Shyamlal. Under such circumstances, this court is of the opinion that the matter requires reconsideration at the hands of the 1st respondent.

5. Therefore this writ petition is disposed of directing the 1st respondent to reconsider the mutual transfer ordered with respect to the petitioner and Sri. V.V. Shyamlal, if necessary after affording an opportunity of personal hearing to both of them, and to take a fresh decision considering all relevant aspects. A fresh decision in this regard shall be taken at the earliest possible, at any rate within a period of 2 weeks from the date of receipt of a copy of this judgment.

6. Till such time the 1st respondent takes a fresh decision in the matter, implementation of Ext. P1 to the extent of transfer of the petitioner shall be kept in abeyance.