

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 25TH DAY OF OCTOBER 2022 / 3RD KARTHIKA, 1944

WP(C) NO. 33512 OF 2022

PETITIONER:

GOPAKUMAR.P.D
AGED 49 YEARS
S/O.DASAN PILLAI, PULIMPARAMBIL HOUSE, AROOR,
ALAPPUZHA - 688534. (WORKING AS KSEB OVERSEER, ELECTRICAL
SECTION, PALLURUTHY).

BY ADVS.
LINDONS C.DAVIS
VARUN C.VIJAY
E.U.DHANYA
SWATHY A.P.

RESPONDENTS:

- 1 KERALA STATE ELECTRICITY BOARD LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR, VYDYUTHI BHAVANAM,
PATTOM, THIRUVANANTHAPURAM - 695004.
- 2 CHIEF ENGINEER,
OFFICE OF THE CHIEF ENGINEER (HUMAN RESOURCE MANAGEMENT),
KERALA STATE ELECTRICITY BOARD LIMITED VYDYUTHI BHAVANAM,
PATTOM, THIRUVANANTHAPURAM - 695004.
- 3 EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LIMITED ELECTRICAL
DIVISION, MATTANCHERY, ERNAKULAM - 682002.
- 4 ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD LIMITED ELECTRICAL
SECTION, PALLURUTHY, ERNAKULAM - 682010.

M.K.THANKAPPAN-SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 25th day of October, 2022

This writ petition is filed seeking the following reliefs:-

i) To issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to issue an order permitting the petitioner to continue at Electrical Section, Palluruthy.

ii) To issue a writ of mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to consider the Exhibts.P3 and P6 grievances submitted by the petitioner and to permit the petitioner to continue at Electrical Section, Palluruthy till orders are passed on the same.

iii) to issue a writ of certiorari or any other appropriate writ, order or direction, quashing Exhibit.P2 to the extent it transfer the petitioner from Electrical Section, Palluruthy.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

3. It is submitted by the learned counsel for the petitioner that the petitioner is undergoing treatment after suffering a major accident during the course of duty under the Board. It is submitted

that he had requested for retention at the present station at Palluruthy but he has been transferred out without considering his medical condition.

4. Having heard the learned Standing counsel also, I am of the opinion that if the petitioner is aggrieved by the order of transfer, it is for the petitioner to approach the 2nd respondent with an appropriate representation, which will be considered in accordance with law.

There will accordingly be a direction that in case the petitioner approaches the 2nd respondent with representation with all relevant documents, within one week from the date of receipt of a copy of this judgment, the same shall be taken up, considered and orders passed in accordance with law, within a period of two weeks thereafter. In case the petitioner has not been relieved from the present station, the petitioner will be permitted to continue at the present station till orders are passed as directed above.

This writ petition is ordered accordingly.

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Sd/-
ANU SIVARAMAN
JUDGE

APPENDIX OF WP(C) 33512/2022

PETITIONER EXHIBITS

Exhibit P1	THE RELEVANT PAGE OF ORDER NO.BO (FTD) (NO.385/2022[PS1(A)/OLGT-2022/GUIDELINES FOR WORKMEN] DATED 07.05.2022 OF KSEBL.
Exhibit P2	A COPY OF THE RELEVANT PAGES OF THE ORDER NO.EB 4(B)/OVR(ELE)/GT/2022 DATED 21.07.2022 ISSUED BY THE 2ND RESPONDENT.
Exhibit P3	A COPY OF THE GRIEVANCE OF THE PETITIONER ONLINE ON THE PORTAL OF KSEBL ON SUBMITTED 14.07.2022.
Exhibit P4	A COPY MEDICAL CERTIFICATE DATED 27.05.2022 OF THE PETITIONER.
Exhibit P5	A COPY OF THE REPRESENTATION UPLOADED ALONG WITH THE GRIEVANCE.
Exhibit P6	A COPY OF THE GRIEVANCE SUBMITTED BY THE PETITIONER.
Exhibit P7	A COPY OF THE REPRESENTATION OF THE PETITIONER DATED 25.07.2022.
Exhibit P8	A COPY OF THE CERTIFICATE ISSUED BY THE MEDICAL BOARD DATED 13.07.2022.
Exhibit P9	A COPY OF TREATMENT CERTIFICATE OF THE PETITIONER DATED 18.07.2022.
Exhibit P10	A COPY OF THE PROCEEDINGS NO.EB 4(B)/OVR(ELE)/GT/GRIEVANCE/2021 OF THE 2ND RESPONDENT DATED 18.10.2022.