

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HONOURABLE MRS. JUSTICE M.R.ANITHA

FRIDAY, THE 15TH DAY OF MAY 2020/25TH VAISAKHA, 1942

OP (KAT) .No.141 OF 2020

(AGAINST THE INTERIM ORDER DATED 27.02.2020 IN O.A NO.437/2020
OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM)

PETITIONERS/RESPONDENTS 1 & 2 IN O.A :-

- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM, PIN : 695 001.

- 2 The DIRECTOR OF INDUSTRIES AND COMMERCE,
DIRECTORATE OF INDUSTRIES AND COMMERCE,
VIKAS BHAVAN, 3RD FLOOR, UNIVERSITY OF KERALA,
SENATE HOUSE CAMPUS, PALAYAM,
THIRUVANANTHAPURAM.

BY SRI.MANU V., GOVERNMENT PLEADER

RESPONDENT/APPLICANT/3RD RESPONDENT IN O.A :-

- 1 SIMI.C.S, W/O.DR.L.VUAI, AGED 38 YEARS,
GENERAL MANAGER, DISTRICT
INDUSTRIES CENTRE, WATER WORKS
COMPOUND, VELLAYAMBALAM,
THIRUVANANTHAPURAM - 695033,
RESIDING AT TC 96/956(1), VAIBHAVAM,
THURUVIKKAL.P.O, THIRUVANANTHAPURAM - 695 011.

- 2 G.RAJEEV,
GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE,
NAGAMPADAM, KOTTAYAM - 686 001

THIS ORIGINAL PETITION (KAT) HAVING BEEN FINALLY HEARD ON
15.05.2020 ALONG WITH OP(KAT)No.142/2020 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HONOURABLE MRS. JUSTICE M.R.ANITHA

FRIDAY, THE 15TH DAY OF MAY 2020/25TH VAISAKHA, 1942

OP (KAT) .No.142 OF 2020

(AGAINST THE INTERIM ORDER, DATED 24.02.2020 IN O.A NO.400/20
OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM)

PETITIONERS/RESPONDENTS 1 & 2 IN O.A :-

1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM, PIN: 695 001.

2. THE DIRECTOR OF INDUSTRIES AND COMMERCE,
DIRECTORATE OF INDUSTRIES AND COMMERCE,
VIKAS BHAVAN, 3RD FLOOR, UNIVERSITY OF KERALA,
SENATE HOUSE CAMPUS, PALAYAM, THIRUVANANTHAPURAM.

BY SRI.MANU.V., GOVERNMENT PLEADER

RESPONDENT/APPLICANT/3RD RESPONDENT IN O.A

1. E. SALAHUDEEN, AGED 54 YEARS, S/O.LATE A EBRAHIM KUNJU,
RESIDING AT ZAM ZAM VIEW, MARKET ROAD, ALAMCODE,
ATTINGAL, THIRUVANANTHAPURAM, PIN : 695 102,
WORKING AS JOINT DIRECTOR,
DIRECTORATE OF INDUSTRIES AND COMMERCE,
VIKAS BHAVAN, THIRUVANANTHAPURAM, PIN: 695 033
(UPON ORDER OF TRANSFER AS GENERAL MANAGER, DISTRICT
INDUSTRIES CENTRE, KOZHIKODE - 673 011).

2. P.A. NAJEEB, GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, KOZHIKODE -- 673 011
(UPON ORDER OF TRANSFER AS JOINT DIRECTOR,
DIRECTORATE OF INDUSTRIES AND COMMERCE, VIKAS BHAVAN,
THIRUVANANTHAPURAM - 695 033)

THIS ORIGINAL PETITION (KAT) HAVING BEEN FINALLY HEARD ON
15.05.2020 ALONG WITH OP(KAT)No.141/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

-: 3 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HONOURABLE MRS. JUSTICE M.R.ANITHA

FRIDAY, THE 15TH DAY OF MAY 2020/25TH VAISAKHA, 1942

OP(KAT).No.143 OF 2020

(AGAINST THE INTERIM ORDER DATED 24.02.2020 IN O.A NO.402/2020
OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM)

PETITIONERS/RESPONDENTS 1 & 2 IN O.A

1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM, PIN: 695 001.
2. THE DIRECTOR-OF INDUSTRIES AND COMMERCE,
DIRECTORATE OF INDUSTRIES AND COMMERCE,
VIKAS BHAVAN, 3RD FLOOR, UNIVERSITY OF KERALA,
SENATE HOUSE CAMPUS, PALAYAM, THIRUVANANTHAPURAM

BY SRI.MANU.V., GOVERNMENT PLEADER

RESPONDENT/APPLICANT/3RD RESPONDENT IN O.A

1. RAJMOHAN.G, AGED 54 YEARS, S/O. GOVINDAN (LATE),
JOINT DIRECTOR/GENERAL MANAGER, DISTRICT INDUSTRIES
CENTRE, PALAKKAD, KUNATHURMEDU, PALAKKAD - 678 001,
RESIDING AT 8/359, AKATHETHETHARA PANCHAYATH,
KALLEKULANGARA.P.O, PALAKKAD - 678 009.
2. ABDUL VAHAB.T,
GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE,
MALAPPURAM, UP HILL, MALAPPURAM - 676 505,
(UNDER ORDERS OF TRANSFER TO DISTRICT INDUSTRIES CENTRE,
PALAKKAD, KUNATHURMEDU, PALAKKAD - 678 001)

THIS ORIGINAL PETITION (KAT) HAVING BEEN FINALLY HEARD ON
15.05.2020 ALONG WITH OP(KAT)No.141/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

-: 4 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HONOURABLE MRS. JUSTICE M.R.ANITHA

FRIDAY, THE 15TH DAY OF MAY 2020/25TH VAISAKHA, 1942

OP(KAT).No.144 OF 2020

(AGAINST THE INTERIM ORDER DATED 24.02.2020 IN O.A NO.403/2020
OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM)

PETITIONERS/RESPONDENTS 1 & 2 IN O.A :-

- 1.THE SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM, PIN: 695 001.
- 2.THE DIRECTOR OF INDUSTRIES AND COMMERCE,
DIRECTORATE OF INDUSTRIES AND COMMERCE, VIKAS BHAVAN, 3RD
FLOOR, UNIVERSITY OF KERALA, SENATE HOUSE CAMPUS,
PALAYAM, THIRUVANANTHAPURAM.

BY SRI.MANU.V., GOVERNMENT PLEADER

RESPONDENT/APPLICANT/3RD RESPONDENT IN O.A :-

- 1.BIJU KURIAN, AGED 49 YEARS, S/O. C.G. KURIAN,
GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE,
IDUKKI - 685 602, RESIDENT OF BABYS BUNGLOW,
AMPALTHUMKALA.P.O, EZHUKONE, KOLLAM, PIN:691 505
- 2.P.S. SURESH, GENERAL MANAGER,
NOW UNDER ORDERS OF TRANSFER TO DISTRICT INDUSTRIES
CENTRE, IDUKKI - 685 602, PRESENTLY WORKING AT
DISTRICT INDUSTRIES CENTRE, WAYANAD - 673 122.

THIS ORIGINAL PETITION (KAT) HAVING BEEN FINALLY HEARD ON
15.05.2020 ALONG WITH OP(KAT)No.141/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANU SIVARAMAN & M.R.ANITHA, JJ.

OP(KAT) Nos.141, 142, 143 & 144 of 2020

Dated this the 15th day of May 2020

JUDGMENT

Anu Sivaraman, J.

These Original Petitions are filed by the 1st and 2nd respondents in the Original Applications filed seeking stay of transfer of the applicants therein who are Government Servants. It is submitted that interim orders of stay were granted by the Administrative Tribunal. Thereafter, on noticing the practical difficulties, replies were filed before the Kerala Administrative Tribunal ('KAT' for short) by the petitioners herein and postings were sought for emergent consideration of the applications to vacate the interim orders. However, it is submitted that the Registry of the KAT has rejected those applications. It is in these circumstances that the Principal Secretary to the Government and the Head of the Department are before this Court filing these Original Petitions against the interim orders.

2. Having heard the learned Government Pleader quite in detail, we are of the opinion that the applications for vacating the interim orders are to be posted before the appropriate Bench of the

-: 6 :-

KAT for consideration. It is submitted by the learned Government Pleader that the pleadings are complete in the Original Applications themselves and the matters can be heard.

In the above view of the matter, these Original Petitions are disposed of with a direction that the matters be posted by the Registry of the KAT before the appropriate Bench for hearing by appropriate means at the earliest.

**ANU SIVARAMAN
JUDGE**

**M.R.ANITHA
JUDGE**

APPENDIX OF OP(KAT)No.141/2020

PETITIONERS' EXHIBIT:

Exhibit P1: *True copy of the O.A No.437/2020 along with Annexures*

Exhibit P2: True copy of the Interim Order of the Kerala Administrative Tribunal dated 27.02.2020 in the Original Application No. 437/2020

Exhibit P3: True copy of the Reply Statement filed by the First and Second Petitioners on 02.03.2020 along with Exhibit

Exhibit P4: True copy of the Interim Order of the Tribunal of the Kerala Administrative Tribunal dated 04.03.2020 in the aforesaid Original Application

Exhibit P5: True copy of the interim Order of the Kerala Administrative Tribunal dated 13.03.2020 in the aforesaid Original Application

Exhibit P6: True copy of the M.A. No. 632/2020 in the Original Application No. 437/2020

APPENDIX OF OP(KAT)No.142/2020

PETITIONERS' EXHIBITS:

Exhibit P1: True copy of the O.A No.400/2020 along with Annexures

Exhibit P2: True copy of the Interim Order of the Kerala Administrative Tribunal dated 24.02.2020 in the aforesaid Original Application

Exhibit P3: True copy of the Reply Statement filed by the First and Second Petitioners on 02.03.2020

Exhibit P4: True copy of the Interim Order of the Tribunal of the Kerala Administrative Tribunal dated 04.03.2020 in the aforesaid Original Application

Exhibit P5: True copy of the interim Order of the Kerala Administrative Tribunal dated 13.03.2020 in the aforesaid Original Application

Exhibit P6: True copy of the M.A. No. 635/2020 in the Original Application No. 400/2020

APPENDIX OF OP(KAT)No.143/2020

PETITIONERS' EXHIBIT:

Exhibit P1: True copy of the O.A No.402/2020 along with Annexures

Exhibit P2: True copy of the Interim Order of the Tribunal of the Kerala Administrative Tribunal dated 24.02.2020 in the aforesaid Original Application

Exhibit P3: True copy of the Reply Statement filed by the First and Second Petitioners on 02.03.2020 along with Exhibits

Exhibit P4: True copy of the Rejoinder filed by the applicant in the Original Application along with Exhibits

Exhibit P5: True copy of the Interim Order of the Tribunal of the Kerala Administrative Tribunal dated 26.02.2020 in the aforesaid Original Application

Exhibit P6: True copy of the Interim Order of the Tribunal of the Kerala Administrative Tribunal dated 18.03.2020 in the aforesaid Original Application

Exhibit P7: True copy of the M.A. No. 633/2020 in the Original Application No. 402/2020

APPENDIX OF OP(KAT)No.144/2020

PETITIONERS' EXHIBIT:

Exhibit P1: True copy of the O.A No.403/2020 along with Annexures

Exhibit P2: True copy of the Interim Order of the Kerala Administrative Tribunal dated 24.02.2020 in the aforesaid Original Application

Exhibit P3: True copy of the Interim Order of the Tribunal of the Kerala Administrative Tribunal dated 27.02.2020 in the aforesaid Original Application

Exhibit P4: True copy of the Reply Statement filed by the First and Second Petitioners on 02.03.2020

Exhibit P5: True copy of the interim Order of the Kerala Administrative Tribunal dated 04.03.2020 in the aforesaid Original Application

Exhibit P6: True copy of the interim Order of the Kerala Administrative Tribunal dated 13.03.2020 in the aforesaid Original Application

Exhibit P7: True copy of the M.A. No. 634/2020 in the Original Application No. 403/2020

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P.A. TO JUDGE