

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 30TH DAY OF APRIL, 2020/10TH VAISAKHA, 1942

W.P(C) TMP. NO.212 OF 2020

PETITIONER :

SHRI. V.JAYAKRISHNA,
DEPUTY CONSERVATOR OF FORESTS,
SAROVARAM, T.C.6/1394,
PTP NAGAR P.O.,
THIRUVANANTHAPURAM - 695 038

BY ADV. JELSON J. EDAMPADAM

RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001
2. THE PRINCIPAL SECRETARY,
GENERAL ADMINISTRATION (AIS-C) DEPARTMENT,
THIRUVANANTHAPURAM - 695 001
3. THE ADDITIONAL CHIEF SECRETARY,
FOREST & WILDLIFE DEPARTMENT,
THIRUVANANTHAPURAM - 695 001.

4. THE HEAD OF FOREST FORCES,
FOREST HEAD QUARTERS,
VAZHUTHACAUD, THIRUVANANTHAPURAM - 695 014.

5. CIVIL SERVICES BOARD,
REPRESENTED BY ITS MEMBER SECRETARY,
THE PRINCIPAL SECRETARY,
PERSONNEL & ADMINISTRATIVE REFORMS DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001

BY ADV.SRI SANDHESH RAJA
BY K.P.HARISH, GOVT. PLEADER

THIS WRIT PETITION HAVING COME UP FOR ORDERS
ON 30.04.2020, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

BECHU KURIAN THOMAS, J.

W.P.(C) TMP No. 212 of 2020

Dated this the 30th day of April, 2020

ORDER

Petitioner is a Deputy Conservator of Forest presently posted at the office of the Principal Chief Conservator Forests, Thiruvananthapuram. According to him, he is due to retire in less than a year. Being an IFS officer, he is governed by IFS (Cadre) Rules 1966 (as amended), in relation to transfer and postings. Rule 7(5)(e) deals with requirement to be satisfied for premature transfer of an officer.

2. It is submitted by the learned counsel for the petitioner that petitioner's views were not obtained before transferring him nor did the Board consider that it was a case of premature transfer.

3. After hearing the counsel for the petitioner and the learned Special Government Pleader, Sri. Sandesh Raja, I am prima facie satisfied that the petitioner's contentions are justified. In the circumstances, petitioner is entitled to an interim

stay of his transfer and posting as contemplated in Ext.P1. Accordingly Ext.P1 in so far as it relates to the transfer of the petitioner on deputation (Sl.No.2 in Ext.P1) shall stand stayed for a period of 4 weeks.

4. It is needless to state that respondents will, obviously be at liberty to carry out appropriate temporary postings for administrative convenience to meet the situations arising on account of this order.

Post this writ petition on 25.05.2020.

**BECHU KURIAN THOMAS
JUDGE**

SM

APPENDIX

PETITIONER'S EXHIBITS :

**EXHIBIT-P1 : TRUE COPY OF THE G.O. (RT)NO.1356/2020 GAD
DATED 23.4.2020**

**EXHIBIT-P2 : TRUE COPY OF THE INDIAN FOREST SERVICE
(CADRE) RULES, 1966.**

**EXHIBIT-P3 : TRUE COPY OF THE LETTER NO.60/D3/2020/FWLD
DATED 04/04/20 OF THE 3RD RESPONDENT TO THE
MANAGING DIRECTOR OF THE CORPORATION**

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY//

P..S. TO JUDGE