

(2024) 09 KL CK 0028

High Court Of Kerala

Case No: Bail Application No. 7580 Of 2024

Sethu G S

APPELLANT

Vs

State Of Kerala

RESPONDENT

**Date of Decision:** Sept. 23, 2024

**Acts Referred:**

- Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 483
- Indian Penal Code, 1860 - Section 34, 379

**Hon'ble Judges:** C.S.Dias, J

**Bench:** Single Bench

**Advocate:** Ajith Murali, Mohanan M.K., C S Hritwik

**Final Decision:** Allowed

### Judgement

Murali Purushothaman, J

1. The petitioner is presently working as Assistant Pharmacist in the 1st respondent " Corporation at the Supplyco Medical Store, Thalasseri. The

petitioner states that he is one of the junior most Assistant Pharmacists and he has been transferred by Ext.P2 order to Regional Medicine Depot,

Kozhikode. According to him, he has been told that, as per an internal audit report, there is a recommendation to post a Depot Manager in the

Regional Medicine Depot, Kozhikode from the category of an Assistant Manager to resolve the issues in the said Depot. It is contended that

transferring the petitioner, who is one of the junior most Assistant Pharmacists to the Regional Medicine Depot, Kozhikode is contrary to the

recommendation in the audit report. It is further stated that as per Ext.P4 Special Rules, the transfer order shall state the reason for transfer. In

Ext.P2, no reason whatsoever has been stated for transferring the petitioner to the Regional Medicine Depot, Kozhikode and the transfer made is in violation of the provisions of Ext.P4 Special Rules. The petitioner has submitted Ext.P5 representation before the 1st respondent requesting to cancel his transfer as per Ext.P2 and to permit him to continue at the present station.

2. The learned Standing Counsel for the 1st respondent submits that pursuant to Ext.P2, the petitioner has been relieved from the Supplyco Medical Store, Thalasseri. The learned counsel for the petitioner disputed the said submission.

3. Since the petitioner has alleged violation of the provisions of Ext.P4 Special Rules and the recommendation of the audit report as regards his transfer and posting at the Regional Medicine Depot, Kozhikode, there will be a direction to the 1st respondent to consider Ext.P5 representation submitted by the petitioner, as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of a copy of this judgment.

Till such time orders are passed on Ext.P5, status quo as regards the posting of the petitioner as on today shall be maintained.

The writ petition is disposed of accordingly.