



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946

OP(KAT) NO. 221 OF 2024

AGAINST THE ORDER/JUDGMENT DATED 08.04.2024 IN OA NO.1909 OF 2023 OF
KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONER/S:

A.SATHEESH CHANDRAN
AGED 48 YEARS
S/O.AYYAPPAN NAIR, ADDITIONAL INSPECTOR OF FACTORIES
(HIGHER GRADE), OFFICE OF THE ADDITIONAL INSPECTOR OF
FACTORIES, MINI CIVIL STATION, IRINJALAKKUDA, THRISSUR-680
125. ('NANDANAM', KOTTAPPURAM, KOLLODE,
THIRUVANANTHAPURAM)., PIN - 695571

BY ADVS.
B.RAGHUNATHAN
M.SALIM
DR.STANLY CHAZHOOR
R.SRINATH
K.JALADHARAN
V.M.JACOB

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY- PRINCIPAL SECRETARY TO GOVERNMENT, LABOUR
AND SKILLS DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM., PIN - 695001
- 2 DIRECTOR OF FACTORIES AND BOILERS



DIRECTORATE OF FACTORIES AND BOILERS, SURAKSHA BHAVAN,
KUMARAPURAM KANNAMMOOLA ROAD, KUMARAPURAM,
THIRUVANANTHAPURAM., PIN - 695011

- 3 INSPECTOR OF FACTORIES AND BOILERS,
OFFICE OF THE INSPECTOR OF FACTORIES AND BOILERS,
PEROORKADA, THIRUVANANTHAPURAM., PIN - 695005
- 4 NAVAROSE BEENA,
ADDITIONAL INSPECTOR OF FACTORIES, OFFICE OF THE ADDITIONAL
INSPECTOR OF FACTORIES - (THIRUVANANTHAPURAM DIVISION), 3RD
FLOOR, VASANTHAM TOWERS, PEROORKADA, THIRUVANANTHAPURAM.,
PIN - 695005
- 5 BABITHA.G.MENON,
ADDITIONAL INSPECTOR OF FACTORIES, OFFICE OF THE ADDITIONAL
INSPECTOR OF FACTORIES, KOTTAYAM SOUTH, KOTTAYAM-686 002.
(NOW ADDITIONAL FACTORY INSPECTOR, KOLLAM)., PIN - 691001
- 6 KSHEMA.S,
ADDITIONAL INSPECTOR OF FACTORIES, OFFICE OF THE ADDITIONAL
INSPECTOR OF FACTORIES, ALUVA, ERNAKULAM-683 101. (NOW
ADDITIONAL INSPECTOR OF FACTORIES, THIRUVANANTHAPURAM, 3RD
FLOOR, VASANTHAM TOWERS, PEROORKADA, THIRUVANANTHAPURAM),
PIN - 695005
- 7 SIMI.H,
ADDITIONAL INSPECTOR OF FACTORIES, OFFICE OF THE ADDITIONAL
INSPECTOR OF FACTORIES, IRINJALAKUDA, THRISSUR-680 121.
(NOW ADDITIONAL INSPECTOR OF FACTORIES, ALUVA, ERNAKULAM).,
PIN - 683101

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

Dated this the 31st day of May 2024

A.Muhamed Mustaque, J.

The limited request of the petitioner is that he should be considered based on his application for general transfer as per circular No. 11/2024 dated 25.04.2024. It is stipulated in the above circular that those who have not completed three years as on 28.02.2024 will not be considered for general transfer.

2. According to him, while he was officiating as Additional Inspector of Factories, Neyyattinkara, he was transferred midway to Irinjalakuda on 21.10.2023. The petitioner submitted that he had served the station at Neyyattinkara for 4 years and the transfer made on 21.10.2023 was not based on any general transfer.

3. In the light of the fact that the transfer was made midway of the year, it shall not stand in the way of general transfer norms as per the circular No. 11/2024 dated 25.04.2024. Therefore, we order that petitioner also should be considered for general transfer along with others and Clause No.2 in Transfer norms will not operate



against the petitioner for consideration.

This original petition is disposed of with the above observation.

Sd/

A.MUHAMED MUSTAQUE
JUDGE

sd/

S.MANU
JUDGE

jm/



APPENDIX OF OP(KAT) 221/2024

PETITIONER ANNEXURES

- Annexure A1** TRUE COPY OF THE ORDER NO.E1/176/2019/(2)F&B DATED 17.6.2019 OF THE 2ND RESPONDENT.
- Annexure A2** TRUE COPY OF THE ORDER NO.DF&B/516/2023/E1 DATED 21.10.2023 OF THE 2ND RESPONDENT.
- Annexure A3** TRUE COPY OF THE CIRCULAR NO.08/2022 DATED 28.2.2022 OF THE 2ND RESPONDENT.
- Annexure A4** TRUE COPY OF THE FINAL ORDER DATED 18.10.2021 IN OA NO.1124 OF 2021 OF THE HONORABLE KAT, THIRUVANANTHAPURAM.
- Annexure A5** TRUE COPY OF GO(RT)NO.1311/2021/LABOUR DATED 15.11.2021 OF GOVT. OF KERALA.
- Annexure A6** TRUE COPY OF THE ORDER NO.E1-5089/2021/F&B DATED 29.11.2021 OF THE 2ND RESPONDENT.
- Annexure R2 (a)** TRUE COPY OF TRANSFER REQUESTS.
- Annexure R2 (b)** TRUE COPY OF PROCEEDINGS OF THE DIRECTOR OF FACTORIES AND BOILERS DEPARTMENT IN ORDER NO.DF&B/516/2023/E1 DATED 21.10.2023.
- Annexure R2 (c)** TRUE COPY OF LETTER NO.JDKLM/AIF/TVM/124/2023-A DATED 26.10.2023 OF THE ADDITIONAL INSPECTOR OF FACTORIES ADDRESSED TO THE DIRECTOR OF FACTORIES AND BOILERS, THIRUVANANTHAPURAM.
- Annexure R2 (d)** TRUE COPY OF PROCEEDINGS OF THE DIRECTOR OF FACTORIES AND BOILERS IN ORDER NO.DFB/516/2023-E1 DATED 26.10.2023.
- Annexure R2 (e)** TRUE COPY OF DCB STATEMENT.



- Annexure R2 (f) TRUE COPY OF DCB STATEMENT FOR THE MONTH OF SEPTEMBER, 2022-2023.
- Annexure R2 (g) TRUE COPY OF PROCEEDINGS OF THE DIRECTOR OF FACTORIES AND BOILERS IN ORDER NO.DFB/516/2023/E1 DATED 19.7.2023.
- Annexure R2 (h) TRUE COPY OF HEARING AND CONFESSION DATED 25.9.2019.
- Annexure R2 (i) TRUE COPY OF LETTER NO.171/2021/AIF/N DATED 26.8.2021 OF THE ADDITIONAL INSPECTOR OF FACTORIES, NEYYATTINKARA DIVISION ADDRESSED TO THE DIRECTOR OF FACTORIES AND BOILERS, THIRUVANANTHAPURAM ALONG WITH LIST OF NEWLY FOUND UNREGISTERED FACTORIES.
- Annexure R2 (j) TRUE COPY OF REPORT.
- Annexure R2 (k) TRUE COPY OF CHARGE MEMO IN NO.E1/5414/2021/F&B DATED 5.9.2022.
- Annexure R2 (l) TRUE COPY OF PROCEEDINGS OF THE DIRECTOR OF FACTORIES AND BOILERS IN ORDER NO.E1-5414/2022/F&B DATED 11.1.2023.
- Annexure R2 (m) TRUE COPY OF APPLICATION FOR GENERAL TRANSFER DATED 20.1.2021 OF AJITH KUMAR.K.K.
- Annexure R5 (a) TRUE COPY OF THE TREATMENT CERTIFICATE DATED 18.11.2015 OF THE DAUGHTER OF THE 5TH RESPONDENT.
- Annexure R5 (b) TRUE COPY OF THE CLINICAL NOTE DATED 3.7.2023 OF THE DAUGHTER OF THE 5TH RESPONDENT.
- Annexure R5 (c) TRUE COPY OF THE REPRESENTATION DATED 20.2.2023 MADE BY THE 5TH RESPONDENT BEFORE THE 2ND



RESPONDENT.

- Annexure R6 (a) TRUE COPY OF THE REPRESENTATION MADE BY THE 6TH RESPONDENT BEFORE THE 2ND RESPONDENT.
- Annexure R7 (a) TRUE COPY OF THE REPRESENTATION DATED 20.4.2022 MADE BY THE 7TH RESPONDENT BEFORE THE 2ND RESPONDENT.
- Annexure R7 (b) TRUE COPY OF THE REPRESENTATION DATED 2.6.2023 MADE BY THE 7TH RESPONDENT BEFORE THE 2ND RESPONDENT.
- Exhibit P1 TRUE COPY OF OA NO.1909 OF 2023 ALONG WITH ANNEXURES ON THE FILE OF THE KERALA ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH, THIRUVANANTHAPURAM.
- Exhibit P2 TRUE COPY OF THE REPLY STATEMENT FILED ON BEHALF OF 1ST AND 2ND RESPONDENTS DATED 20.1.2024.
- Exhibit P3 TRUE COPY OF THE REPLY STATEMENT FILED BY 4TH RESPONDENT DATED 2.3.2024.
- Exhibit P4 TRUE COPY OF THE REPLY STATEMENT FILED BY 5TH RESPONDENT DATED 6.1.2024.
- Exhibit P5 TRUE COPY OF THE REPLY STATEMENT FILED BY 6TH RESPONDENT DATED 6.1.2024.
- Exhibit P6 TRUE COPY OF THE REPLY STATEMENT FILED BY 7TH RESPONDENT DATED 6.1.2024.
- Exhibit P7 TRUE COPY OF ORDER IN OA NO.1909 OF 2023 DATED 8.4.2024 OF THE KERALA ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH, THIRUVANANTHAPURAM.
- Exhibit P8 TRUE COPY OF CIRCULAR NO.11/2024 DATED



2024:KER:37776

OP(KAT) NO. 221 OF 2024

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25.4.2024 ISSUED BY 2ND RESPONDENT.

Exhibit P9

TRUE COPY OF THE APPLICATION FOR GENERAL
TRANSFER, 2024 SUBMITTED BY APPLICANT DATED
8.5.2024.