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Con.Case(C)No.2612 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

THURSDAY, THE 14TH DAY OF AUGUST 2025 / 23RD SRAVANA, 1947

CON.CASE(C) NO. 2612 OF 2024

AGAINST THE JUDGMENT DATED 31.05.2024 IN OP(KAT) NO.221 OF
2024 OF HIGH COURT OF KERALA

PETITIONER/PETITIONER IN OPKAT:

A.SATHEESH CHANDRAN, AGED 48 YEARS
ADDITIONAL INSPECTOR OF FACTORIES (HIGHER GRADE),
OFFICE OF THE ADDITIONAL INSPECTOR OF FACTORIES, MINI
CIVIL STATION, IRINJALAKKUDA, THRISSUR. ('NANDANAM',
KOTTAPPURAM, KOLLODE, THIRUVANANTHAPURAM-695 571).,
PIN - 680125

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

RESPONDENTS/1ST AND 2ND RESPONDENTS IN OPKAT:

- 1 DR.K.VASUKI IAS, AGED 42 YEARS
PRINCIPAL SECRETARY TO GOVERNMENT, LABOUR AND SKILLS
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM., PIN - 695001
- 2 P.PRAMOD, AGED 53 YEARS
DIRECTOR OF FACTORIES AND BOILERS, DIRECTORATE OF
FACTORIES AND BOILERS, SURAKSHA BHAVAN, KUMARAPURAM



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KANNAMMOOLA ROAD, KUMARAPURAM, THIRUVANANTHAPURAM.,
PIN - 695011

BY ADV.B.UNNIKRISHNA KAIMAL, SR.G.P

THIS CONTEMPT OF COURT CASE (CIVIL) WAS FINALLY HEARD ON
01.08.2025, THE COURT ON 14.08.2025 PASSED THE FOLLOWING:



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J U D G M E N T

Muralee Krishna, J.

This Contempt Case (Civil) is filed under Section 12 of the Contempt of Courts Act, 1971, by the petitioner in OP(KAT) No.221 of 2024, alleging non-compliance of the judgment dated 31.05.2024 passed by this Court in that original petition.

2. The petitioner filed OP(KAT) No.221 of 2024, contending that he is entitled to be considered for general transfer, despite the circular No.11/2024 dated 25.04.2024, wherein it is stipulated that those who have not completed three years as on 28.02.2024 will not be considered for general transfer. In the original petition, the petitioner contended that while he was officiating as Additional Inspector of Factories, Neyyattinkara, he was transferred midway to Irinjalakkuda on 21.10.2023, and hence, the general transfer norms as per the circular No.11/2024 are not applicable to him. This Court, by the judgment dated 31.05.2024, ordered that the 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.



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3. The petitioner states that despite sending a copy of the judgment to both the respondents by e-mail as well as by speed post on 10.06.2024, the 2nd respondent did not carry out the transfer and postings within the Department. Hence, the petitioner issued Annexure A2 Lawyer notice dated 04.09.2024 to the respondents. According to the petitioner, the 2nd respondent, after the receipt of Annexure A2 Lawyer notice issued him Annexure A3 letter dated 07.09.2024, purportedly in compliance of the directions in the judgment. In that letter, it is stated that even on consideration of the general transfer application submitted by the petitioner, he would not get a transfer to either of his opted stations. The 2nd respondent did not carry out general transfer for the year 2024 and came up with factually incorrect submissions in gross violation and dereliction of the direction issued by this Court in the judgment. Hence, according to the petitioner, the respondents have committed contempt of court.

4. On 18.10.2024, when this contempt case came up for consideration, this Court directed that the learned Government Pleader produce a copy of the compliance order dated 09.10.2024



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along with a memo.

5. The 2nd respondent filed an affidavit dated 24.10.2024, producing therewith Annexure R2(a) order dated 09.10.2024 of the 2nd respondent whereby the application for general transfer submitted by the petitioner was disallowed, holding that it was considered along with other general transfer applications and he is not entitled for the transfer to the stations as requested.

Paragraphs 3 to 10 of that affidavit read thus:

"3. It is respectfully submitted that the 2nd respondent invited General Transfer Applications vide Circular No. 11/24 dated 25/04/2024. On verification of the on-line draft General Transfer order obtained from SPARK, it is revealed that 3 Additional Inspectors were included in it and they were Smt. Geetha Devi, Beena. S and Santhosh. They were presently occupying the post in Ernakulam, Perumbavoor and Kottayam respectively. They sought transfer to Kottayam, Ernakulam and Perumbavoor respectively. But Smt Geetha who is working in Ernakulam office has not completed 3 years of service in that office. As a result she is not eligible to claim transfer as per Transfer norms. Hence other transfers can only be made only if the officer working in Ernakulam becomes eligible to be transferred from that office. As a result the 2nd respondent decided to consider those transfer applications in the next General Transfer as



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per the eligibility prescribed in the guidelines G.O(P)No.03/2017/P&ARD dated of General Transfer in 25/02/2017. Accordingly General Transfer order was not issued, and therefore, the draft of the General Transfer was also not published.

4. It is submitted that the judgement in OP (KAT) 221 of 2024 dated 31/05/2024 was received only on 18/06/2024. Immediately on receiving the same, respondent took action on it. The 2nd respondent informed the Petitioner to submit General Transfer application vide Letter No. DEB/2916/2023-E1 dated 26/07/2024. Accordingly General Transfer Application was received from the Petitioner vide Letter No. JDEKM/AIF/IJKD343/2024-A dated 27/07/2024. As per the judgement of the Court, the 2nd respondent again verified the application of the petitioner along with other General Transfer Applications. On verification of the application of the Petitioner, it is seen that the Petitioner has requested transfer to the following offices of the Additional Inspector.

1. Additional Inspector of Factories, Kollam
2. Additional Inspector of Factories, Kottayam
3. Additional Inspector of Factories, Thiruvananthapuram.

5. It is submitted that Office of Additional Inspector of Factories, Kollam which is the 1st choice of the Petitioner where Smt. Babitha G.Menon is working and she has taken over charge of that office only on 26/10/23. She got transfer to her home station after serving 4 years in Kottayam (South) office. Since she has not completed 3 years of



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service in Kollam office, she cannot be transferred from that office which is against the norms prescribed in the Government Order.

6. It is submitted that the Petitioner's 2nd option is Office of the Additional Inspector of Factories, Kottayam which has two divisions North and South. In Kottayam (South) office, Sri. Vipin Murali is working and he has taken over charges of that office only on 25/10/2023 and hence he cannot be transferred from that office as he has not completed 3 years of service in that office. In Kottayam (North) office Sri. Santhoskumar. S is working for more than 4 years. He has requested transfer to the Office of the Additional Inspector of Factories, Chengannur and Office of the Additional Inspector of Factories, Alappuzha. But the officers working in the Office of the Additional Inspector of Factories, Chengannur and Alappuzha were not completed 3 years of service. Hence the 2nd respondent decided to retain Sri. Santhosh Kumar. S in Kottayam (N) office since it is not fair to transfer him to another office which is not in his option.

7. It is submitted that the 3rd option of the Petitioner is Office of the Additional Inspector of Factories, Thiruvananthapuram, where Smt. Shama. S is working. Smt. Shama S has taken over charges of that office only on 27/10/23 and hence she has not completed 3 years of service and retiring only on superannuation on 31/05/26.

8. It is submitted that the Petitioner cannot be transferred to any of his opted offices, the matter was informed to the



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petitioner vide Letter No.DFB/2916/2023-EI dated 07/09/2024 (Annexure A3). The 2nd respondent has complied with the directions of the Hon'ble High Court of Kerala in the judgment No. OP(KAT) 221 of 2024 dated 31.05.2024 and issued order on 09.10.2024. True copy of the order No. DFB/2581/2024-EI dated 09.10.2024 is produced herewith and marked as Annexure R2(a).

9. It is submitted that while issuing the General Transfer Order, the 2nd respondent has to consider the service details/circumstances of the officers currently working in their stations/offices. Transferring the officers as per the options of the Petitioner i.e, officers in Kollam, Kottayam and Thiruvananthapuram offices is seem to be against the guidelines of general transfer GO(P)No: 03/17/PRARD dated 25/02/17. The 2nd respondent complied with the direction of the Hon'ble High Court.

10. It is submitted that Sri. Shyju. K, was promoted as Additional Inspector of Factories and posted at Additional Inspector office Thrissur (S) as per Order No:DFB/2829(1)/2023-EI dated. 18/09/2024(Annexure A4). Consequently Sri. Unnikrishnan.K, Additional Inspector of Factories, Thrissur (S) was transferred to the open vacancy in the office of the Additional Inspector of Factories, Kozhikode (South) due to retirement. This transfer is purely on the basis of administrative convenience of the department and has no connections with the General Transfer of the Additional Inspector of Factories for 2024. Moreover the Petitioner has not opted for Thrissur (S) and



Kozhikode (S) Offices in his application for General Transfer.

Hence it is submitted that there is no deliberate attempt for Contempt of Court from the part of the 2nd Respondent”.

6. To that affidavit, the petitioner filed a reply affidavit dated 11.11.2024. It is contended by the petitioner in that affidavit that the chronology of events, when taken together, would clearly depict the deliberate unwillingness of the 2nd respondent to comply with the judgment of this Court.

7. Along with I.A.No.1 of 2025, the petitioner has produced Annexures A5 and A6 documents.

8. On 28.11.2024, when this contempt case came up for consideration, this Court directed the learned Government Pleader to go through the reply affidavit filed by the petitioner and find out whether the transfers have been effected or not.

9. On 02.12.2024, this Court directed the learned Government Pleader to get instructions whether the department is proposing to effect general transfer next year.

10. On 23.01.2025, this Court directed the learned Government Pleader to get instructions whether the general transfer is due.



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11. On 28.03.2025, when this matter came up for consideration, this Court directed to post the case on 25.05.2025 and in the meanwhile, the respondents were directed to consider the petitioner for transfer, either in 2024 or 2025.

12. Along with I.A.No.3 of 2025, the petitioner has produced Annexure A10 order dated 26.07.2025 of the 2nd respondent, contending that after Annexure R2(a) order dated 28.05.2025, the 2nd respondent posted another person to the post wherein the petitioner opted in the general transfer.

13. Heard the learned counsel for the petitioner and the learned Government Pleader.

14. The grievance of the petitioner is that his request for transfer was not considered properly by the 2nd respondent during the general transfer as ordered by this Court in Annexure A1 judgment dated 31.05.2024 in OP(KAT)No.221 of 2024. According to him, the 2nd respondent did not consider his request in the letter and spirit of Annexure A1 judgment, and the entire proceedings of the 2nd respondent are nothing but an outcome of mala fide exercise of power. The learned Government Pleader



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took a stand that in the year 2024, no general transfer was effected. However, in view of Annexure A1 judgment, the request of the petitioner was considered along with the other general transfer applications, and he was informed about his disentitlement by Annexure A3 letter. Similarly, Annexure R2(a) order dated 28.05.2025 was also passed by the 2nd respondent after the direction of this Court in this contempt case on 28.03.2025. In that order also the petitioner was found ineligible for transfer, as requested by him.

15. From the submissions made at the Bar, we notice that no general transfer was effected in the establishment of the petitioner during 2024. Even then, in compliance with the directions in Annexure A1 judgment, the request of the petitioner was considered by the 2nd respondent, and he was intimated by Annexure A3 letter regarding his disentitlement to get the transfer to the opted stations. Annexure R2(a) order dated 09.10.2024 was also issued by the 2nd respondent stating the reasons for not granting transfer to the petitioner.

16. After the order dated 28.03.2025 in this contempt case



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the request of the petitioner was once again considered by the 2nd respondent and rejected the same by the 2nd Annexure R2(a) order dated 28.05.2025. It is true that in Annexure A1 judgment, it was directed that the application for general transfer made by the petitioner shall be considered without applying Clause No.2 of the general transfer norms. Even then, there is sufficient reasoning given in Annexure R2(a) orders by the 2nd respondent, for not granting transfer to the petitioner as requested by him. The subsequent posting of another person in the post opted by the petitioner, after the second Annexure R2(a) order dated 28.05.2025, is not a ground to say that there is malafides in the order of rejection of the request of the petitioner, when valid reasons are stated in that order. Apart from that, it is pertinent to note that even if this Court directed the respondents to consider the request of the petitioner for general transfer, in effect, the direction is to consider that request, if the petitioner is otherwise entitled.

Having considered the pleadings and materials on record and the submissions made at the Bar, we find no ground to hold



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that the petitioner has made out a prima facie case of civil contempt by the respondents.

In the result, this Contempt Case (Civil)No.2612 of 2024 stands closed.

SD/-

ANIL K.NARENDHAN, JUDGE

SD/-

MURALEE KRISHNA S., JUDGE

sks



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APPENDIX OF CON.CASE(C) 2612/2024

PETITIONER ANNEXURES

- Annexure A1** CERTIFIED COPY OF JUDGMENT DATED 31.5.2024 IN OP(KAT)NO.221 OF 2024 OF THIS HON'BLE COURT.
- Annexure A2** TRUE COPY OF THE NOTICE SENT BY THE LAWYER OF THE PETITIONER TO RESPONDENTS DATED 4.9.2024.
- Annexure A3** TRUE COPY OF LETTER NO.DFB/2916/2023-E1 DATED 7.9.2024 OF 2ND RESPONDENT.
- Annexure A4** TRUE COPY OF ORDER NO.DFB/2829(1)/2023-E1 DATED 18.9.2024 OF 2ND RESPONDENT.

RESPONDENT ANNEXURES

- Annexure R2(a)** True copy of the order No.DFB/2581/2024-E1 dated 09-10-2024

PETITIONER ANNEXURES

- Annexure A5** TRUE COPY OF CIRCULAR NO.08/2025 (NO.DFB/264/2025-E1) DATED 18.3.2025 ISSUED BY 2ND RESPONDENT.
- Annexure A6** TRUE COPY OF THE APPLICATION FOR GENERAL TRANSFER, 2025 SUBMITTED BY PETITIONER DATED 24.3.2025.

RESPONDENT ANNEXURES

- Annexure R2(a)** TRUE COPY OF ORDER NO.DFB/2581/2024-E1 DATED 28.05.2025 OF DIRECTOR OF FACTORIES AND BOILERS.

PETITIONER ANNEXURES

- Annexure A7** True copy of Circular No.09/2025 (No.DFB/264/2025-E1) dated 22.4.2025 of 2nd respondent (relevant portion).
- Annexure A9** True copy of Order No.DFB/2829(1)/2023-E1 dated 18.9.2024 of 2nd respondent.
- Annexure A8** True copy of Order No.DFB/264/2025-E1 dated 30.5.2025 of 2nd respondent.