



2025:KER:77197

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 16<sup>TH</sup> DAY OF OCTOBER 2025 / 24TH ASWINA, 1947

WP(C) NO. 37736 OF 2025

PETITIONER:

JAIMON JOSEPH  
AGED 44 YEARS  
(PEN G 41521), S/O. P.M. JOSEPH, DRIVER,  
K.S.R.T.C. PONKUNNAM DEPOT, KOTTAYAM  
RESIDING AT PUTHIYAMATTATHIL, PALAKKATTUMALA P.O.,  
MARANGATTUPILLY, KOTTAYAM, PIN - 686635

BY ADVS.  
SRI.P.MOHANDAS (ERNAKULAM)  
SRI.K.SUDHINKUMAR  
SRI.SABU PULLAN  
SHRI.R.BHASKARA KRISHNAN  
SHRI.BHARATH MOHAN  
DR.K.P.SATHEESAN (SR.)

RESPONDENTS:

- 1 KERALA STATE ROAD TRANSPORT CORPORATION  
REPRESENTED BY THE CHAIRMAN AND MANAGING DIRECTOR,  
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM,  
PIN - 695024
- 2 THE CHAIRMAN AND MANAGING DIRECTOR  
KERALA STATE ROAD TRANSPORT CORPORATION,  
TRANSPORT BHAVAN, FORT,  
THIRUVANANTHAPURAM, PIN - 695024
- 3 THE EXECUTIVE OFFICER (ADMINISTRATION)  
OFFICE OF THE CHAIRMAN AND MANAGING DIRECTOR,



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K.S.R.T.C., TRANSPORT BHAVAN, FORT,  
THIRUVANANTHAPURAM, PIN - 695024

4 THE UNIT OFFICER  
OFFICE OF THE ASSISTANT TRANSPORT OFFICER,  
K.S.R.T.C., PONKUNNAM, KOTTAYAM, PIN - 686506

BY ADV SHRI.DEEPU THANKAN, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 16.10.2025, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



**N. NAGARESH, J.**

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*Dated this the 16<sup>th</sup> day of October, 2025*

**J U D G M E N T**

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The petitioner, who is a Driver under the KSRTC, is aggrieved by Ext.P1 memo under which he has been transferred from Ponkunnam Unit to Puthukkad O/C.

2. The petitioner states that on 01.10.2025, he was driving a Fast Passenger KSRTC Bus from Ponkunnam to Thiruvananthapuram. The distance is more than 210 Km. In the Driver's cabin in the Bus, the petitioner was carrying two bottles of drinking water, due to hot atmosphere. The petitioner was also carrying in his lunch box from home.



3. When the Bus passed Ayoor in the noon, the Transport Minister's car crossed the KSRTC Bus. The Minister came back and obstructed the Bus at the centre of the public road. The Minister was furious as he found two bottles of water kept in front of the driver seat near the front glass. The Minister created unpleasant scene and left the place.

4. On 04.10.12025, the 3<sup>rd</sup> respondent-Executive Officer issued Ext.P1 memorandum transferring the petitioner from Ponkunnam to Thrissur. Soon thereafter, he was informed that the order is kept in abeyance and the petitioner shall report for duty. However, on 07.10.2025, the 4<sup>th</sup> respondent-Unit Officer issued an order relieving the petitioner from Ponkunnam to join at Thrissur. The transfer was stated to be for administrative reasons.

5. The petitioner states that there is no administrative reason whatsoever to transfer the petitioner. The transfer is of a punitive nature and is as a consequence



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of the incident happened on 01.10.2025. The petitioner is serving the KSRTC since 2016. So far, there is not even a single instance of misconduct from the part of the petitioner. Carrying water bottle while undertaking a drive of 210 Km. cannot be described as a misconduct.

6. The counsel for the petitioner relied on the judgment of the Hon'ble Apex Court in **Somesh Thivari v. Union of India and others** [(2009) 2 SCC 592] and argued that Ext.P1 memorandum would attract the principle of malice in law as it was not based on any factor germane for passing an order of transfer. The counsel further relied on the judgment of this Court in **Gopinathan M. and another v. State of Kerala and others** [2014 (4) KLT 285] and argued that a transfer order passed on materials which were non-existent would amount to colourable exercise of power. The counsel also relied on a Division Bench judgment of this Court in **Director, Telecommunications (South), Thiruvananthapuram v. Sukumaran Thampi** [1984 KLT



476] and argued that where the transfer order is silent and the counter affidavit does not choose to answer, then the Court can adopt the course of quashing the order of transfer.

7. Respondents 1 to 4 resisted the writ petition. The respondents submitted that transfer is an incident of service as held by the Hon'ble Apex Court in ***Union of India and another v. Deepak Niranjana Nath Pandit*** [(2020) 3 SCC 404]. Orders of transfer made in exercise of administrative discretion should not ordinarily be interfered, contended the respondents relying on the judgment of this Court in ***Babu v. State of Kerala*** [1988 (2) KLT 258].

8. The respondents submitted that Clause 11 of the Transfer Guidelines attached to the Pay Revision Agreement 2012 provides for the transfer of employees in connection with disciplinary proceedings on administrative grounds. This Court in ***Nixy James v. KSRTC*** [2023 (3) KLT 893] has held that when order of transfer is not bad for statutory violations or malafides, court shall not interfere with



the transfer orders.

9. The petitioner was transferred in accordance with the Transfer Guidelines and the transfer is on administrative grounds due to disciplinary issues. The KSRTC has issued Ext.R1(B) memorandum in order to maintain cleanliness in buses. Earnest steps have been taken by the KSRTC to keep the vehicles clean. Employees are bound to give effect to the Guidelines issued by the KSRTC in this regard. Exts.P1 and P2 are not liable to be interfered with on any of the grounds urged by the petitioner, contended the respondents.

10. I have heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

11. The petitioner would state that on 01.10.2025 while he had undertaken the duty to ply a Fast Passenger KSRTC Bus from Ponkunnam to Thiruvananthapuram, the Transport Minister forcibly



obstructed the Bus as he has annoyed by two bottles of drinking water placed in front of the Driver's seat of the KSRTC Bus. The petitioner would allege that Exts.P1 and P2 transfer/relieving orders is as a result of the said incident. The petitioner has not been issued with any memo or charges in respect of any misconduct. The transfer is punitive in nature.

12. The respondents would submit that the transfer is due to the failure of the petitioner to maintain cleanliness of Bus. At the same time, the respondents would assert that the transfer is on administrative grounds.

13. In the ordinary course, an employee cannot be transferred on the ground of any allegation of misconduct, unless the disciplinary rules relating to the employee provide for transfer as a mode of punishment. Transfers are ordinarily made on the grounds of administrative convenience/exigency or on larger public interest.





14. In the petitioner's case, in Ext.P1 memorandum, it has been stated that the petitioner is being transferred on the grounds of administrative convenience. The so-called administrative convenience is not discernible either from Ext.P1 memorandum or from the counter affidavit filed by respondents 1 to 4. An employee can be transferred from one place to another on administrative grounds.

15. For instance, if an employee's service is required in the transferred station, such transfer will be justified even though made otherwise than during the general transfer. If disciplinary proceeding is initiated against an employee and the continuance of the employee in station can affect the outcome of the disciplinary proceedings, in such circumstances also, transfer will be justified. Even in the absence of any such situation, transfer of an employee from one place to another will be justified if it is in the interest of the institution or in larger public interest.



16. In the present case, however, no such reasons are palpable. In Ext.P1, the respondents have taken a stand that the transfer is on administrative grounds. However, in the counter affidavit, the respondents are justifying the transfer stating that the transfer of the petitioner is in accordance with the Transfer Guidelines attached to the Pay Revision Agreement 2012.

17. Clause 11 of the Transfer Guidelines attached to Appendix IV to the Pay Revision Agreement 2012 provides for the transfer of KSRTC employees in connection with disciplinary proceedings on administrative grounds. Clause 11 reads as follows:

11. Transfer on administrative grounds due to disciplinary issues-

The reason for transfer on administrative grounds due to disciplinary issues will be stated in the order. The order of transfer will be reconsidered only after the completion of a minimum period of six months of regular duty.

18. Ext.P1 order does not disclose the reason for transfer on administrative grounds. Ext.P1 does not speak



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of any disciplinary issues. The respondents have not advanced any circumstances justifying the transfer of the petitioner from Ponkunnam to Puthukkad O/C. In the absence of any justifiable reason, the transfer of the petitioner in contemplation of disciplinary proceedings would be punitive in nature. Viewed in that angle, Ext.P1 memorandum suffers from malice in law. Ext.P1 therefore can only be treated as a colourable exercise of power. The writ petition is therefore only to be allowed.

19. Exts.P1 and P2 are therefore set aside. The respondents are directed to permit the petitioner to continue to work in Ponkunnam Unit. This will be without prejudice to the right of the respondents to initiate disciplinary action against the petitioner, if warranted.

The writ petition is disposed of as above.

Sd/-  
**N. NAGARESH, JUDGE**

aks/16.10.2025



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APPENDIX OF WP (C) 37736/2025

PETITIONER'S EXHIBITS

Exhibit -P1 TRUE COPY OF THE MEMORANDUM NO. S001-  
AVA03/1156/2025/ADM/KSRTC-HQ DATED 4-  
10-2025 ISSUED BY THE 3RD RESPONDENT  
AS DIRECTED BY THE 2ND RESPONDENT  
(ALONG WITH TYPED COPY)

Exhibit -P2 TRUE COPY OF THE MEMORANDUM ISSUED BY  
THE 4TH RESPONDENT AS NO.  
PL1/3237/2025/PNKM DATED 7-10-2025

RESPONDENT'S EXHIBITS

Exhibit R1 (A) true copy of the circular issued by  
the corporation dated 25/06/2024

Exhibit R1 (C) true copy of the memorandum dated  
02/05/2024 issued by the Chairman and  
Managing Director of the KSRTC

Exhibit R1 (B) true copy of the memorandum dated  
19/06/2025