

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

OP.No. 13420 of 2000 (V)

PETITIONER :

M.N.ABDUL RAHIMAN,
JUNIOR SUPERINTENDENT, KUMILY GRAMA PANCHAYATH,
IDUKKI DISTRICT, IDUKKI

BY ADV. SRI.S.KRISHNAMOORTHY

RESPONDENTS :

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1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
LOCAL ADMINISTRATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM
 2. DIRECTOR OF PANCHAYATHS, O/O.THE DIRECTORATE OF PANCHAYATH,
THIRUVANANTHAPURAM
 3. DEPUTY DIRECTOR OF PANCHAYATH,
O/O. THE DEPUTY DIRECTOR OF PANCHAYATH,
IDUKKI DISTRICT, IDUKKI
 4. V.SWAMINATHAN, JUNIOR SUPERINTENDENT,
NENMARA BLOCK PANCHAYATH, PALGHAT

R4 BY ADV.SRI.M.V.BOSE

R BY GOVERNMENT PLEADER SRI.S.JAMAL

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12-10-2015,
ALONG WITH O.P.NO.20277/2000, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP.No. 13420 of 2000 (V)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE ADMISSION TICKET ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION DATED 10.12.99

EXT.P2 : COPY OF THE CERTIFICATE ISSUED BY THE PUBLIC SERVICE COMMISSION DTD.5.5.2000

EXT.P3 : COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT

EXT.P4 : COPY OF THE RELEVANT PORTION OF THE SENIORITY LIST OF PANCHAYAT INSPECTORS/SUPERINTENDENTS

EXT.P5 : COPY OF THE PROMOTIONAL ORDER NO.E1-7846/95 DATED 27.4.2000 ISSUED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS :

EXT.R4(a) : COPY OF THE CERTIFICATE DATED 19.12.1998

EXT.R4(b) : COPY OF THE STAY ORDER IN C.M.P.21884/2000 IN O.P.NO.13420/2000

EXT.R4(c) : COPY OF THE INTIMATION DATED 10.5.2000 FROM THE SECRETARY, BLOCK PANCHAYAT, NENMARA, TO SECRETARY, KARUNAPURAM GRAMA PANCHAYAT.

/TRUE COPY/

P.A TO JUDGE

AV

K.VINOD CHANDRAN, J.

O.P.Nos.13420 & 20277 of 2000

Dated this the 12th day of October, 2015

J U D G M E N T

Both the above matters are of the year 2000. The learned counsel on both sides submit that, they have no instructions as of now.

2. The petitioners were rival claimants to a post. The petitioner in O.P.No.13420 of 2000 challenged the promotion of the petitioner in the other original petition. In O.P.No.13420 of 2000, an interim order of stay was granted on condition of the fourth respondent (petitioner in O.P.No.20277 of 2000) having not joined the promotion post.

3. The learned counsel for both the petitioners submitted that, the subject matter is to be considered by the Kerala Administrative Tribunal. However, considering the fact that, there had been stay in one of the original petitions, this Court would, especially considering the fact that both the counsel do not have instructions, merely make the stay absolute on the condition indicated therein and leave the parties to agitate their case before the KAT, if so advised. The contentions shall be left open and the mere fact that, the stay was made

absolute would not in any manner interdict the KAT in considering the issue, if it is raised before the KAT.

These original petitions are disposed of as above.

Sd/-

K.VINOD CHANDRAN, JUDGE

AV/12/10/