

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

O.P.No.15270 of 2000 (P)

PETITIONER(S):-

1. NABEEZATHU BEEVI, U.D. CLERK,
T.C.MEDICAL COUNCILS AND KERALA NURSES AND MIDWIVES COUNCIL,
THIRUVANANTHAPURAM - 37.
2. A.T.GRACY, CLERK/TYPIST, DO DO.
3. K.G.OMANA, L.D. CLERK, DO. DO.
4. H.GIRIJA KUMARI, L.D. CLERK, DO. DO.

BY ADVS.SRI.C.P.SUDHAKARA PRASAD (SR.)
SRI.ELVIN PETER P.J.

RESPONDENT(S):-

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HEALTH & FAMILY WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
2. TRAVANCORE COCHIN MEDICAL COUNCILS,
REPRESENTED BY ITS REGISTRAR,
RED CROSS ROAD, THIRUVANANTHAPURAM-37.
3. KERALA NURSES AND MIDWIVES COUNCIL,
REPRESENTED BY ITS REGISTRAR, RED CROSS ROAD,
THIRUVANANTHAPURAM-37.
4. T.V.SUBRAMONIAN, U.D.CLERK,
T.C.MEDICAL COUNCILS AND KERALA NURSES AND MIDWIVES COUNCIL,
RED CROSS ROAD, THIRUVANANTHAPURAM - 37.

5. R.PUSHPAVATHY, U.D.CLERK,
T.C.MEDICAL COUNCILS AND KERALA NURSES AND MIDWIVES COUNCIL,
RED CROSS ROAD, THIRUVANANTHAPURAM-37.

R1 BY GOVERNMENT PLEADER SRI.S.JAMAL.

R2 & R3 BY ADV. SRI.N.RAGHURAJ

R2 & R3 BY ADV. SRI.K.M.STALIN

R4 & R5 BY ADV. DR.S.GOPAKUMARAN NAIR (SR.)

R4 BY ADV. SRI.P.K.SURESH KUMAR.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

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| EXT.P1 | TRUE COPY OF MEMORANDUM NO.49739.D3/65/HLD. DATED 27.7.1965 ISSUED BY THE GOVERNMENT. |
| EXT.P2 | TRUE COPY OF ORDER NO.A-726/90/MC DATED 26.11.1990 ISSUED BY THE 2ND RESPONDENT. |
| EXT.P3 | TRUE COPY OF COMMUNICATION NO.A.252/95/MC DATED 6.3.1995 SENT BY THE 2ND RESPONDENT TO THE GOVERNMENT. |
| EXT.P4 | TRUE COPY OF COMMUNICATION NO.12309/G2/95/H&FWD. DATED 22.4.1995 FROM THE GOVT. TO THE 2ND RESPONDENT. |
| EXT.P5 | TRUE COPY OF COMMUNICATION ANO.A.252/95/MC. DATED 19.6.1995 FROM THE 2ND RESPONDENT TO THE GOVERNMENT. |
| EXT.P6 | TRUE COPY OF COMMUNICATION NO.12309/G2/95/H&FWD. DATED 24.7.96 FROM THE GOVT. TO THE 2ND RESPONDENT, ALONG WITH CIRCULAR DT.17.1.1996. |
| EXT.P7 | TRUE COOPY OF ORDER NO.A.233/97/MC. DATED 1.3.1997 ISSUED BY THE 2ND RESPONDENT. |
| EXT.P8 | TRUE COPY OF COMMUNICATION NO.A.252/95/MC. DATED 12.3.1997 FROM THE 2ND RESPONDENT TO THE GOVT. |
| EXT.P9 | TRUE COPY OF COMMUNICATION NO.A.252/95/MC. DATED 25.9.1998 FROM THE 2ND RESPONDENT TO THE GOVT. |
| EXT.P10 | TRUE COPY OF ORDER NO.A.661/97/MC DATED 20.4.1998 ISSUED BY THE 2ND RESPONDENT. |
| EXT.P11 | TRUE COPY OF ORDER NO.A1-1279/98/MC. DATED 23.10.1998 ISSUED BY THE 2ND RESPONDENT. |
| EXT.P12 | TRUE COPY OF ORDER NO.A1-603/99/MC. DATED 18.3.1999 ISSUED BY THE 2ND RESPONDENT. |

- EXT.P13 TRUE COPY OF ORDER NO.A1/76/99/MC. DT.23.10.1999 ISSUED BY THE 2ND RESPONDENT.
- EXT.P14 TRUE COPY OF ORDER NO.A.427/98/MC. DATED 10.03.1998 ISSUED BY THE 2ND RESPONDENT.
- EXT.P15 TRUE COPY OF ORDER NO.A1.216/99/MC. DT.12.3.1999 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

vku/-

[true copy]

K. Vinod Chandran, J

O.P.No.15270 of 2000-P

Dated this the 08th day of September, 2015

JUDGMENT

The petitioners, who were said to have been employed with the 2nd respondent, filed the Original Petition on the apprehension that the respondents 4 and 5, who were appointed as daily wage employees initially and then regularised in service, would be regularised with retrospective effect from the date on which they were appointed as daily wage employees. The learned counsel for the petitioner would contend that such an action of retrospective regularisation cannot be made, going by the binding decision of this Court reported in ***Thankaraj v. Kerala Water Authority* [2000 (1) KLT 237]**.

2. In any event, no such regularisation has been effected till date. The Original Petition was filed on a mere apprehension. The contentions of the respective parties would be left open. The Original Petition would stand closed.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]