

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

OP(KAT).No. 14 of 2015 (Z)

AGAINST THE ORDER/JUDGMENT IN OA 683/2014 of KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM (CAMP SITTING AT
ERNAKULAM) DATED 09-10-2014

PETITIONER(S) :

SATHEESAN C.K. AGED 42 YEARS
S/O.KUMARAN, PART TIME SWEEPER, EXCISE RANGE OFFICE
NADAPURAM, KOZHIKODE, RESIDING AT CHIRAPPINY HOUSE
NADAPURAM P.O., VADAKARA, PIN - 673 504.

BY ADV. SRI.P.N.BIJU

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY SECRETARY,
BOARD OF REVENUE (EXCISE)
THIRUVANANTHAPURAM - 695 001.
2. THE DEPUTY COMMISSIONER OF EXCISE
OFFICE OF THE DEPUTY COMMISSIONER OF EXCISE
NORTH ZONE, KOZHIKODE - 673 501.
3. EXCISE INSPECTOR
NADAPURAM RANGE, EXCISE RANGE OFFICE
NADAPURAM - 673 504.
4. MOLLY K
D/O.KRISHNAN, KATTAMKOTTUMMAL HOUSE,
PALERI P.O.
KUTTIADI (VIA.), KOZHIKODE, PIN - 673 514.

R1 TO R3 BY SRI.T.RAMAPRASAD UNNI,
SR.GOVERNMENT PLEADER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP
FOR ADMISSION ON 20-02-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

OP (KAT) .No. 14 of 2015 (Z)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: COPY OF THE O.A. 683/2014.

EXHIBIT P2: COPY OF THE ORDER IN OA.NO. 683/2014 DATED
09/10/2014.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

.....
OP(KAT) No.14 of 2015
.....

Dated this the 20th day of February, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. Heard the very persuasive submissions made on behalf of the petitioner. We have heard the learned senior government pleader as well.
2. Petitioner was working as a casual sweeper since June 2010 in Excise Range Office, Nadapuram. By Annexure-A5 order dated 24.09.2014, the 4th respondent Smt.Moli K, who is a part-time sweeper, has been transferred from Excise Range office, Vadakara to Excise Range office, Nadapuram. The fact that the petitioner was working as against a regular post is not in dispute. He, as rightly found by the Kerala Administrative Tribunal, would not get the benefit of GO(P) No.501/2005/Fin. dated 25.11.2005, which came to the aid of casual sweepers who were working as on 25.11.2005, that is, at least 4 to 5 years before the petitioner actually commenced working as casual sweeper. Not only that,

the said Government Order was intended to regularise casual sweepers working in unsanctioned posts. The petitioner is working against a sanctioned post. The Deputy Commissioner of Excise, Kozhikode has transferred a part-time sweeper working in another office to the said sanctioned post. There is no illegality in that. That apart, on the basis of the aforementioned Government Order or any other provision of law, the petitioner cannot aspire regularisation of service and no such direction can be issued by the court. The Tribunal was, therefore, justified in dismissing the original application.

On the submissions of the learned counsel for the petitioner, we leave open the right if any of the petitioner to seek any remedy from Government on the executive side. This original petition is dismissed in limine.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)