

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

OP(KAT).No. 25 of 2015 ()

OA(EKM) 660/2014 of KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM DATED 8TH JANUARY, 2015

PETITIONERS/RESPONDENT 1 AND 2 IN OA:

1. STATE OF KERALA

REPRESENTED BY THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, KERALA 695001

2. THE STATE POLICE CHIEF, POLICE HEADQUARTERS,
THIRUVANANTHAPURAM, KERALA 695014

BY SENIOR GOVERNMENT PLEADER SRI.C.S. MANILAL

RESPONDENTS/APPLICANTS AND 3RS RESPONDENT IN OA:

1. AJEESH L.
S/O LAKSHMANAN, MOOLAVIL HOUSE, KK NORTH
VALIYAPARAMBU PO, ALAPPUZHA, KERALA 690566

2. SREEKUMAR S, S/O SREEKANTAN NAIR, SREEVALSAM,
THOTTINUVADAKKU, CHAVARA PI, KOILAM, KARALA 691583

3. BIJO P, S/O PRAKASAN, THUNDUPARAMBIL, SANATHANAPURAM,
POI KALARCODE, ALAPPUZHA, KERALA 688003

4. KERALA PUBLIC SERVICE COMMISSION, OFFIKCE OF THE KERALA
PUBLIC SERVICE COMMISSION, PATTOM, THIRUVANANTHAPURAM,
KERALA 695004

BY SRI.S.P.ARAVINDAKSHAN PILLAY
BY SRI.P.C.SASIDHARAN, Supreme Court, PSC.

THIS OP (KERALA ADMINISTRATIVE TRIBUNAL) HAVING COME UP FOR
ADMISSION ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP (KAT) .No. 25 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS

EXHIBIT P1: TRUE COPY OF OA NO. (EKM) 660/2014

EXHIBIT P2: TRUE COPY OF ORDER DATED 8.1.2015 IN OA NO. (EKM)
660/2014

EXHIBIT P3 : COPY OF THE CORRECTED ORDER DATED 22.01.2015 IN
M.A.120/2015 IN O.A. (EKM) 660/2014.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A TO JUDGE

THOTTATHIL B.RADHAKRISHNAN

&

K. HARILAL, JJ.

O.P.(KAT) NO.25 OF 2015

Dated this the 3rd day of February, 2015

J U D G M E N T

Thottathil B. Radhakrishnan,J.

- 1.We have heard the learned Senior Government Pleader, the learned Standing Counsel for the Public Service Commission and the learned counsel appearing for the private respondents.

- 2.The private respondents filed an original application before the Kerala Administrative Tribunal contending that Government are not reporting the available vacancies for being advised from ranked list published by PSC for the post of Sub Inspector of Police - Trainee (General Executive Branch). On that, the Tribunal found that at this given point of time, balance of convenience requires that pending resolution of the dispute regarding the existence of vacancies, 337 vacancies have to be reported, however that, advices to those vacancies need be made only after getting further orders from the Tribunal. The

establishment is required to place further pleadings regarding certain aspects. Having bestowed our anxious consideration to the nature of the rival contentions and the quality of the interim order passed by the Tribunal, we are clear in our mind that the Tribunal has not overstepped its jurisdiction and there is no illegality demonstrable on the face of the impugned order. In the ultimate analysis, the Tribunal has only ensured that if the applicants before it were to succeed, they would not lose the claim merely by reason of efflux of time or the ranked list expiring. No prejudice will be caused to the Government or the office of the State Police Chief if vacancies as directed by the Tribunal are reported in terms of the conditions contained in the Tribunal's order. We see no ground to interfere with the Tribunal's order in exercise of jurisdiction under Article 227 of the Constitution.

In the result, the original petition fails and it is accordingly dismissed.

Sd/-

THOTTATHIL B.RADHAKRISHNAN, JUDGE

Sd/-

K. HARILAL, JUDGE

//true copy//

P.A. To Judge

smv