

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&**

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

OP(KAT).No. 51 of 2015 (Z)

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AGAINST THE ORDER/JUDGMENT IN OA 57/2014 of KERALA
ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM DATED 14.2.2014**

PETITIONER(S):

**C.O.POULOSE, AGED 59 YEARS,
DEPUTY DEVELOPMENT COMMISSIONER(RTD).,
RURAL DEVELOPMENT DEPARTMENT,
RESIDING AT CHENNEKKADAN HOUSE, MANJAPRA P.O., ALUVA,
ERNAKULAM, KERALA-683 581.**

**BY ADVS.SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR)
SRI.LUIZ GODWIN D'COUTH**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE
GOVERNMENT, GENERAL ADMINISTRATION DEPARTMENT,
GOVERNMENT SECRETARIAT, KERALA,
THIRUVANANTHAPURAM-695 001.**
- 2. THE COMMISSIONER FOR RURAL DEVELOPMENT, LMS COMPOUND,
THIRUVANANTHAPURAM, KERALA-695 001.**

R BY SRI.VIJU THOMAS, GOVERNMENT PLEADER

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DG

OP(KAT).No. 51 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF THE ORIGINAL APPLICATION NO.57/2014 FILE
BEFORE THE KAT, THIRUVANANTHAPURAM BENCH, DATED
17.01.2014.**

**EXT.P2: TRUE COPY OF THE ORDER DATED 14.02.2014 IN O.A.NO.57/2014
PASS BY THE HON'BLE KAT, THIRUVANANTHAPURA BENCH.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.**

O.P.(KAT).No.51 of 2015

Dated this the 26th day of February, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

We have heard the learned counsel for the petitioner who filed the original application before the Tribunal, seeking a direction for consideration of a request for re-appointment in the Administrative Secretariat under Rule 8 of the KS and SSR. The applicant had retired from service as Deputy Development Commissioner from the Rural Development Department on 31.03.2010. The request for re-appointment was made on 28.10.2013. The enormous delay was sought to be explained by saying that it was in the recent past that he came to know that there were some decisions by this Court dilating on Rule 8 of KS & SSR and that he could draw the benefit of those judgments in his favour. Having examined the reasons contained in the impugned order of the Tribunal, we

see that a pragmatic approach has been taken to assimilate the entire relevant facts and the Tribunal has in its discretionary jurisdiction come to the conclusion that the application cannot be entertained as it is highly stale and the claim raised for repatriation three years after retirement is plainly untenable. We see no error of jurisdiction or illegality in that decision. The impugned order does not merit interference under Article 227 of the Constitution of India. This original petition, therefore, fails.

In the result, this original petition is dismissed in limine.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG