

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

OP(KAT).No. 63 of 2015 (Z)

(AGAINST ORDER IN O.A.NO.1548 OF 2014 DATED 29.01.2015 OF THE
KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM)

PETITIONER(S)/APPLICANTS 1 TO 3:

1. ANTONY A.,
S/O.JOSEPH, WORKING AS SENIOR CLERK
COCHIN CORPORATION , PIN-682 011,
R/A.ADICHILILPARAMBIL
SHEIK MANZIL, UNITY LANE, KARUKAPPALLY
KALOOR, COCHIN, ERNAKULAM
KERALA, PIN-682017
2. SATHYAN VELLOTH
S/O.AMBU K, WORKING AS SENIOR CLERK,
KANNUR, MUNICIPALITY, PIN-670 001,
R/A.MAYOOKHAM,
AMBIULAD, MANGATTIDAM P O, KANNUR DIST.,
PIN-670 643, KERALA.
3. BABURAJ P M
S/O.C MADHAVAN NAMBIAR
WORKING AS CONFIDENTIAL ASSISTANT
KANNUR MUNICIPALITY, PIN-670 001,
R/A.QUARTER NO 6
MUNICIPAL STAFF QUARTERS, KAKKAD ROAD,
KANNUR, KERALA.

BY ADVS.SRI.ELVIN PETER P.J.
SRI.T.G.SUNIL (PRANAVAM)
SRI.K.R.GANESH

RESPONDENT(S)/RESPONDENT:

1. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM, PIN-695004.

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2. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEAPRTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695001.
3. SRI. PRAMOD K.,
SREYAS, PUTHUSSERY, CHERUTHURUTY
THRISSUR, PIN-680 003.

R2 BY SRI.S.JAMAL, SR. GOVERNMENT PLEADER
R1 BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP
FOR ADMISSION ON 10-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

OP(KAT).No. 63 of 2015 (Z)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:- COPY OF OA NO 1548/2014 FILED BEFORE THE KERALA
ADMINISTRATIVE TRIBUNAL, DTD. 22/7/2014

P2:- COPY OF THE REPLY STATEMENT FILED ON BEHALF OF THE IST
RESPONDENT IN OA NO 1548 OF 2014 DTD. 2/12/2014

P3:- COPY OF THE ORDER DTD 29/1/2015 PASSED BY THE KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM IN OA NO 1548/2014.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

.....
OP(KAT) No.63 of 2015
.....

Dated this the 10th day of March, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. Heard the learned counsel for the petitioners and the learned legal retainer for the Kerala Public Service Commission.
2. The PSC issued Annexure-A1 notification inviting applications for the post of Municipal Secretary Gr.-III from three streams, which were eligible to apply. After written test, short list was published on 18.06.2011. That contains 14 candidates for appointment from the Municipal Common Service. Ranked list was also, thereafter, published for that category on 22.05.2012. That also contains 14 candidates. Alleging that the short list and the ranked list are too short, directions were sought for to expand the list. The Kerala Administrative Tribunal took note of the relevant facts and concluded that taking note of the fact that 20 vacancies were already reported, the PSC acted in accordance with due

procedure in including 14 candidates. So much so, the Tribunal did not find way to hold that the decision making process in that regard was erroneous warranting interference at the hands of the Tribunal.

3.The Tribunal also noted that the ranked list is due to expire on 21.05.2015 and the probability or possibility of creation of 28 municipalities which may generate 28 additional posts is not decisive in the matter.

4.We do not see that any ground for interference with the decision of the Tribunal arises in exercise of jurisdiction under Article 227 of the Constitution of India. This original petition fails.

In the result, this original petition is dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)