

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

OP(KAT) .No. 65 of 2015 (Z)

AGAINST THE ORDER IN TA 6405/2012 of KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED
07-08-2012.

PETITIONER:

STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.

BY SENIOR GOVERNMENT PLEADER SRI.S. JAMAL

RESPONDENT:

R.SASIDHARAN PILLAI, AGED 62 YEARS,
S/O.RAGHAVA KURUPPU, RETIRED TAHSILDAR,
RESIDING AT SWATHI,
VELLUR AMSOM AND ANNUR DESOM OF TALIPARAMBA
TALUK P.O.,
ANNUR, KERALA.

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING
COME UP FOR ADMISSION ON 01-04-2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

OP(KAT) .No. 65 of 2015 (Z)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 - TRUE COPY OF JUDGMENT DATED 15-09-2006 OF THIS
HONOURABLE COURT AND MADE IN OP NO.13633 OF 1999.

EXT.P2 - TRUE COPY OF THE JUDGMENT DATED 29-10-2008 OF
THIS HONOURABLE COURT AND MADE IN WPC NO.31721 OF 2008.

EXT.P3 - TRUE COPY OF THE GOVERNMENT ORDER G.O(RT)
NO.3292/2009/RD DATED 17-9-2009.

EXT.P4 - TRUE COPY OF THE ORDER OF THE COMMISSIONER, LAND
REVENUE DATED 23-10-2009.

EXT.P5 - TRUE COPY OF THE ORDER OF THE COMMISSIONER, LAND
REVENUE DATED 7-4-2010.

EXT.P6 - TRUE COPY OF THE ORDER OF THE GOVERNMENT ORDER
G.O(RT)NO.4489/2010/RD DATED 16-9-10.

EXT.P7 - TRUE COPY OF THE REPRESENTATION DATED 01-10-2009
SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.

EXT.P8 - COPY OF JUDGMENT DATED 31/7/1985 IN OP
NO.2755/1980.

EXT.P9 - COPY OF JUDGMENT DATED 21/3/1991 IN WA
NO.789/88.

EXT.P10 - COPY OF JUDGMENT DATED 9/1/1995 IN OP
NO.6938/93.

EXT.P11 - COPY OF JUDGMENT DATED 01/02/1996 IN OP
NO.16845/95.

RESPONDENT(S) ' EXHIBITS

NIL

//true copy//

P.S. to Judge

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

O.P. (KAT) No.65 of 2015-Z

Dated this the 1st day of April, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

The State of Kerala challenges a decision of the Kerala Administrative Tribunal. Heard the learned Government Pleader.

2. Through Ext.P1 judgment, it was declared that the respondent herein shall be treated as a Revenue Inspector as on 3/10/1980 for all purposes and on that basis consequential promotion to the post of Deputy Tahsildar, Tahsildar and Deputy Collector shall be worked out. It was also declared that he shall also be entitled to all consequential service benefits from the respective dates of promotion.

3. The dispute between the parties before the Tribunal

in this round was as to whether the respondent is entitled to salary in terms of such retrospective promotion. Having regard to the binding nature of Ext.P1 judgment, which was rendered inter partes, the Tribunal was fully justified in granting an order in favour of the respondent; that too, without any add-on interest.

4. In view of the aforementioned facts, we do not see that the impugned judgment warrants visitation 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)

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//true copy//

P.S. to Judge

O.P. (KAT) No.65 of 2015

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