

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

OP(KAT).No. 204 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN TA 815/2012 of KERALA
ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM DATED 07-08-2014

PETITIONER(S)/RESPONDENTS 1 TO 3:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
IRRIGATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM
KERALA - 695 001.

2. THE CHIEF ENGINEER
(IRRIGATION & ADMINISTRATION) THIRUVANANTHAPURAM
KERALA.

3. THE EXECUTIVE ENGINEER
CHIMMONI DAM PROJECT DIVISION
ECHIPPARA P.O.CHIMMONI DAM, THRISSUR, KERALA.

BY SENIOR GOVERNMENT PLEADER SRI. JOSEPH GEORGE

RESPONDENT(S)/APPLICANT:

P.MAYANARAYANAN
CLR WORKER, CHIMMONY DAM, S/O.ARAVINDAKSHAN, MANI BHAVAN
MALAMPUZHA, PALAKKAD, KERALA.

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP(KAT).No. 204 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P-1: TRUE COPY OF THE T.A.
EXT.P-2: COUNTER AFFIDAVIT FILED BY THE 2ND RESPONDENT
EXT.P-3: TRUE COPY OF THE ORDER DATED 7.8.14 OF KAT IN TA 815/12

/TRUE COPY/

P.A. TO JUDGE

**P.R. RAMACHANDRA MENON &
BABU MATHEW P. JOSEPH JJ**

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O.P.(KAT) No. 204 of 2015

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Dated, this the 25th day of June, 2015

JUDGMENT

Ramachandra Menon J.

The relief granted by the Kerala Administrative Tribunal to the respondent, vide Ext. P3 order, granting benefit of absorption ordered as per Annexure A6 order dated 01.04.2006, retrospectively with effect from the date of regularization given to the first batch of workers as similarly placed to him (who were regularised as per Ext. P1 Government Order) is under challenge at the instance of the State/Department.

2. The respondent herein was working as a CLR employee in construction of Chimmoni Dam from 1981 to 1984 and thereafter on some other arrangement (as HR worker). Later, considering the service availed by the Government in connection with the project, Annexure A1 Government Order was issued for causing regularization of the service of the concerned employees, subject to certain norms. As per the norms fixed by the Government vide Annexure A1, the benefit was intended to be extended only to those

CLR workers, who were engaged prior to 19.05.1983 and had rendered a minimum service of 500 days as on 01.04.1987; to be appointed in regular service/SLR posts. The above Government Order also stipulated under clause (iv), that those CLR workers appointed on or before 19.05.1983 and had not completed 500 days of service as CLR workers on 01.04.1987 will be eligible for absorption as SLR workers, but they will not be eligible for appointment in regular posts.

3. Pointing out the eligibility of the respondent, he submitted Annexure A2 representation dated 19.03.1991 before the 3rd petitioner herein. It took more than 'six years' for the concerned authorities to consider the matter as discernible from Annexure A3 reply dated 20.05.1997 issued by the 3rd petitioner to the 2nd petitioner to the effect that inclusion of the respondent can be considered after seeking permission from the Government for relaxation of the conditions. It appears that the stand of the department was that, the respondent had not completed 500 days so as to be absorbed in regular posts. Being aggrieved of this, the respondent approached this Court by filing O.P. No. 17074 of 1997, which was disposed of as per Annexure A4 judgment dated 17.03.2004, directing the matter to be considered by the first

respondent therein and to have the matter finalized in accordance with law, as specified. The matter was considered, but the claim was rejected stating that the writ petitioner did not satisfy the requirement of completion of 500 days, to be conferred with the benefit of absorption. The writ petitioner approached this Court again by filing W.P.(C) No. 30021 of 2004, referring to clause (iv) of Ext. P1, which clearly deals with the case of persons like the petitioners, who had not completed 500 days, but were appointed prior to the relevant date i.e. 01.04.1987. The said case was disposed of as per Annexure A5 judgment dated 15.10.2005. It was pursuant to the said verdict, that the Government passed Annexure A6 order dated 01.04.2006, whereby absorption was ordered to be given as SLR worker in terms of 'Clause iv' of Annexure A1 Government Order. Annexure A7 is the consequential order dated 27.05.2006 issued by the 3rd respondent. There is no dispute that the writ petitioner is continuing in service, pursuant to Annexure A7 as above.

4. However, pointing out that there was inordinate delay in granting the benefit to the petitioner, the writ petitioner approached this Court by filing W.P.(C) No. 20365 of 2006. It was later transferred to the Tribunal, wherein it was numbered as

T.A. No. 815 of 2012. After hearing both the sides, it was held that the applicant was entitled to be regularised as 'SLR worker' along with the first batch of workers, similarly placed like him, who were regularized pursuant to Annexure A1 Government Order, i.e. giving benefit of Clause (iv) of the said order to the extent he is eligible.

5. Despite hearing the learned senior Government Pleader appearing for the petitioners at length, this Court does not find any tenable ground so as to call for interference. The verdict passed by the Tribunal is well within the four walls of law. Interference is declined and the original petition is dismissed accordingly.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

sd/-

**BABU MATHEW P. JOSEPH
(JUDGE)**

kmd