

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

OP(KAT).No. 352 of 2015 (Z)

AGAINST THE ORDER IN OA(EKM) 967/2015 of KERALA
ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM DATED 14-10-2015

PETITIONER:

1. M.PRASANNAKUMAR, AGED 55 YEARS,
ADMINISTRATIVE ASSISTANT, DME OFFICE, MEDICAL COLLEGE. P.O.
THIRUVANANTHAPURAM - 695 011.
RESIDING AT SANDRAM, CHENKOTTUKONAM,
CHEMPANZHANTHI. P.O.,
THIRUVANANTHAPURAM - 695 587.
2. B. SURENDRA KUMAR,
SENIOR SUPERINTENDENT, DME OFFICE, MEDICAL COLLEGE. P.O.
THIRUVANANTHAPURAM - 695 011.
RESIDING AT SARASWATHY BHAVAN, NEAR GOVT ITI,
ATTINGAL - 695 101.
3. DINESH KUMAR, JUNIOR SUPERINTENDENT,
DME OFFICE, MEDICAL COLLEGE. P.O.
THIRUVANANTHAPURAM - 695 011.
RESIDING AT MANAKKATTUVILAKOM, CHITTATTUMUKKU. P.O.
THIRUVANANTHAPURAM - 695 301.
4. AJAYAGOPAL J.S.
JUNIOR SUPERINTENDENT, MEDICAL COLLEGE,
THIRUVANANTHAPURAM - 695 011, RESIDING AT HARITHAM,
TRUE COPY OF THE 5/2159(4),
CHERUVIKKAL SREEKARIYAM. P.O.
THIRUVANANTHAPURAM - 685 017.
5. RATHISH. R. NAIR,
JUNIOR SUPERINTENDENT, SAT HOSPITAL,
THIRUVANANTHAPURAM - 695 011,
RESIDING AT KRISHNA PRIYA, KAVUVILAKOM, MARKET ROAD,
KAZHAKKUTAM. P.O - 695 582.

6. AKHIL. K.S.,
JUNIOR SUPERINTENDENT, REGIONAL INSTITUTE OF
OPHTHALMOLOGY, THIRUVANANTHAPURAM - 695 035.
RESIDING ATARA 72, TRUE COPY OF THE 6/2194(7),
NEAR PRASANTH NAGAR, MEDICAL COLLEGE. P.O.,
THIRUVANANTHAPURAM - 695 011.
7. K.S. MANU MOHAN, JUNIOR SUPERINTENDENT,
DME OFFICE, MEDICAL COLLEGE. P.O.
THIRUVANANTHAPURAM - 695 011.
RESIDING AT FLAT NO.B3, DME STAFF QUARTERS,
MEDICAL COLLEGE. P.O., THIRUVANANTHAPURAM - 695 011.
8. UNNIKRISHNAN.B., JUNIOR SUPERINTENDENT,
DME OFFICE, MEDICAL COLLEGE. P.O.
THIRUVANANTHAPURAM - 695 011.
RESIDING AT GOKULAM, VALIKONAM,
THONNAKKAL. P.O. - 695 317.
9. JAYAPRAKASH. S., SENIOR CLERK, DME OFFICE,
MEDICAL COLLEGE. P.O.
THIRUVANANTHAPURAM - 695 011.
RESIDING AT PUTHUVAL PUTHEN VEEDU,
TC 43/980, PARITHIKUZH, MANACADU. P.O.,
THIRUVANANTHAPURAM - 695 009.
10. ALI AKBAR.Y., SENIOR CLERK, MEDICAL COLLEGE OFFICE,
THIRUVANANTHAPURAM - 695 011.
RESIDING AT ARSHAS, AP XV, 280/3,
VALAVATTY, AZHICODE, THIRUVANANTHAPURAM - 695 564.
11. MOHAMMED SULFI S.,
SENIOR CLERK, DME OFFICE, MEDICAL COLLEGE. P.O.
THIRUVANANTHAPURAM - 695 011.
RESIDING AT ALTHAF VILLA, MALALI, PETANADA,
BALARAMAPURAM P.O., THIRUVANANTHAPURAM - 695 501.
12. ASOK. P.S., SENIOR CLERK, REGIONAL INSTITUTE OF
OPHTHALMOLOGY, THIRUVANANTHAPURAM - 695 035.
RESIDING AT SACHITHRAM, NEAR BOYS HIGH SCHOOL,
NEDUMANGADU. P.O., THIRUVANANTHAPURAM - 695 541.
13. PRAVEETH. P.S., CLERK, DME OFFICE, MEDICAL COLLEGE. P.O.
THIRUVANANTHAPURAM - 695 011.
RESIDING AT KIZHALKKE VANIYAKKANDI VEEDU,
VELLAYANI, NEMOM. P.O., THIRUVANANTHAPURAM.

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14. ANNESH.A., CLERK, DME OFFICE, MEDICAL COLLEGE. P.O.
THIRUVANANTHAPURAM - 695 011.
RESIDING AT A.S. BHAVAN, KOCHALUMMOODU,
KURAKKADA. P.O., CHIRAYINKKEZHU - 695 104.

BY ADVS.SRI.S.MOHAMMED AL RAFI
SMT.K.REMADEVI
SRI.N.NISHAM

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY SECRETARY, HEALTH AND FAMILY WELFARE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 011.
2. DIRECTOR OF MEDICAL EDUCATION,
OFFICE OF THE DIRECTOR OF MEDICAL EDUCATION,
MEDICAL COLLEGE. P.O., THIRUVANANTHAPURAM - 695 011.
3. PRINCIPAL,
GOVERNMENT MEDICAL COLLEGE,
ERNAKULAM, HMT COLONY, KALAMASSERY,
COCHIN - 683 503.
4. JOSE DOMINIC,
SPECIAL OFFICER (EMPLOYMENT AND TRAINING)
GOVERNMENT MEDICAL COLLEGE,
ERNAKULAM, HMT COLONY, KALAMASSRY, COCHIN - 683 503.
5. SECRETARY,
KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM - 695 004.

R1 TO R4 BY GOVERNMENT PLEADER SMT. REKHA VASUDEV
R5 BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 : TRUE COPY OF THE O.A.(EKM) NO.967 OF 2015 FILED BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM (CAMP SITTING, ERNAKULAM)

EXT.P2 : TRUE COPY OF THE ORDER IN O.A.(EKM)-967/2015, DATED 14.10.15 OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM.

RESPONDENTS' EXHHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

smv

**K. SURENDRA MOHAN
&
SHAJI P. CHALY, JJ.**

O.P.(KAT) No.352 of 2015

Dated this the 20th day of November, 2015

JUDGMENT

Surendra Mohan,J.

The petitioners, regular employees working in the Medical Education Department having been recruited through the Kerala Public Service Commission have filed this Original Petition challenging Ext.P2 order of the Kerala Administrative Tribunal ("KAT" for short) in Original Application No. 967/2015. As per the impugned order, the Original Application filed by the petitioners has been dismissed.

2. The petitioners had approached the KAT challenging Annexure A5 order of the Government by which, it has been ordered that pursuant to take over of the Cochin Co-operative Medical College, Ernakulam by the Government, the persons working in the said college shall be absorbed into the posts created by the Government for the Cochin Co-operative Medical

College. Thus, pursuant to Annexure - A5 the said persons are absorbed into Government service, subject to the conditions stipulated therein. The case of the petitioners is that, they had submitted Annexure - A6 representation stipulating the conditions subject to which alone such employees should be absorbed into Government service. It was stipulated inter alia that the persons so appointed should be absorbed as junior most in the cadre to which they are absorbed and that such absorption should be made strictly adhering to the qualifications possessed by the said persons. The contention of the petitioners was that their representations were not considered, nor was Annexure A4 of the Director of Medical Education considered. The Tribunal has found that, the petitioners are not prejudiced in any manner by the proceedings sought to be impugned. Therefore, the Original Petition filed by them has been dismissed.

3. According to Sri.Mohammed Al Rafi who appears for the petitioners, elaborate submissions have been made in Annexure A3 representation regarding the manner in which the absorption of the staff of Cochin Co-operative Medical College could be made into the Government service. However, the said submissions were not even referred to while issuing Annexure

A5. It is also the contention of the counsel for the petitioners that, their service prospects would be affected by the absorption that is ordered by Annexure A5. Therefore, they seek interference of this Court in the matter.

4. This Original Petition is posted before us for admission. We have heard the counsel for the petitioners at length. The counsel has not been able to satisfy us to what prejudice has been caused to the petitioners by the absorption of the staff of Cochin Co-operative Medical College into Government service as ordered by Annexure A5. The petitioners are admittedly persons who are working elsewhere. They are already in Government service and no prejudice has been caused to the petitioners.

For the above reasons, we do not find any grounds to entertain this Original Petition. The same is accordingly dismissed.

Sd/-
K. SURENDRA MOHAN
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.A. To Judge

smv
21.11.2015