

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

RP.No. 616 of 2015 (G) IN WP(C).18340/2008

**AGAINST THE JUDGMENT IN WP(C) 18340/2008 of HIGH COURT OF KERALA
DATED 23-07-2014**

REVIEW PETITIONER(S)/1ST RESPONDENT:

**KASARGOD MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
KASARGOD MUNICIPALITY, KASARGOD.**

**BY ADVS.SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS**

RESPONDENT(S)/PETITIONERS 1 TO 5 AND RESPONDENTS 2 AND 3::

- 1. KANAKAVENI K, SANITATION WORKER, KASARGOD MUNICIPALITY,
KASARGOD, PIN: 671 121.**
- 2. K. CHATHUKUTTY NAIR, SANITATION WORKER, KASARGOD MUNICIPALITY,
KASARGOD, PIN: 671 121.**
- 3. K. GANGADHARAN, SANITATION WORKER, KASARGOD MUNICIPALITY,
KASARGOD, PIN: 671 121.**
- 4. K. KUNHIKRISHNAN, SANITATION WORKER, KASARGOD MUNICIPALITY,
KASARGOD, PIN: 671 121.**
- 5. V. BALAN, SANITATION WORKER, KASARGOD MUNICIPALITY,
KASARGOD, PIN: 671 121.**
- 6. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT,
GOVERNMENT OF LOCAL SELF GOVERNMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 7. DIRECTOR OF URBAN AFFAIRS
THIRUVANANTHAPURAM - 695 001.**

**R1 TO R5 BY ADV. SRI.KALEESWARAM RAJ
R6 AND R7 BY GOVERNMENT PLEADER SMT.SEENA RAMAKRISHNAN**

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 04-08-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

STK

P.D. RAJAN, J.

Review Petition No.616 of 2015

Dated this the 4th day of August, 2015

ORDER

This review petition is filed by the first respondent in Writ Petition WPC No.18340/2008-(G) which was filed to declare that the petitioners are entitled to regularize their service with effect from the date of their appointment and further seeking a direction from respondent to regularize them in service, which was allowed by this court on 23.07.2014. The respondents in this review petition are sanitary workers of Kasaragod Municipality on a daily wages basis engaged through Employment Exchange on various dates. Some of the workers are still continuing in service. Their provisional appointment was on condition that it is subject to review by the Municipal Secretary. In this circumstance, they approached this court with the above Writ Petition. While disposing the Writ Petition this court directed the review petitioner in para 11 as follows;

“Hence, the date of regularization of the services of the petitioners would be operated

from 1.10.2000, the date on which Ext.2 order came into force and the 1st respondent shall issue fresh proceedings set the law in motion within six months from the date of receipt of copy of this judgment. Since the petitioners were appointed in the regular vacancy, I am of the opinion that their provisional service can be counted for service benefits and pensionary benefits including the pension.”

2. The review petitioner contended that respondents were appointed on various dates as per Ext.P1 order of 14.01.91 and therefore they have no claim prior to that date. The counsel appearing for the respondents also admitted that fact. In this circumstance, I modify the above observation as follows;

3. Since the date of regularization of services of the petitioners was passed on 1.10.2000 and their appointment was actually on 14.01.91, they cannot claim benefits prior to 14.01.91, therefore, the vacancies arose only on 31.10.91, 1.9.92 and 31.1.98. The first

respondent in WPC No.18340/2008(G) shall issue further proceedings within 6 months from the date of receipt of a copy of this order from the above mentioned dates. Therefore the actual commencement of the vacancies are from 31.01.89 31.03.90, 31.10.91, 1.9.92 and 31.01.98 and the regularization could be operated only after 14.01.91 and in the above notified vacancies. They are entitled to get the regularization in the above mentioned dates. Since petitioners are appointed in the regular vacancies, I am of the opinion that their provisional service can be counted for service benefit including pensionary benefit but they cannot claim arrears of salary before 1.10.2000.

This review petition is allowed to the above limited extent.

STK

Sd/-
P.D. RAJAN,
JUDGE

//TRUE COPY//

P.A. TO JUDGE