

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(C).No. 6898 of 2004 (U)

PETITIONERS:

1. **DEVADATHAN, AGED 34 YEARS**
S/O. SUBHIAH PILLAI, ARUKAL VEEDU, CHANJA P.O.
ARYANAD
(WIRELESS OPERATOR, AUGUSTIAVANOM BIOLOGICAL PARK
SPECIAL DIVISION)
2. **HABEEB, AGED 38 YEARS, S/O. ISMAIL PILLA,**
THADATHARIKATHU VEEDU, KAPPUKADU, KOTTOOR P.O.
MAZDOOR WATCHERS (NMR WORKERS) DO.
3. **SATHYAN, AGED 43 YEARS, S/O. LUKOSE,**
MINI BHAVAN, SAMBUTHANGY, KOTTOOR P.O.
MAZDOOR WATCHERS (NMR WORKERS), DO.
4. **RAJAN, AGED 33 YEARS, S/O. MANUEL NADAR,**
AJANTHA BHAVAN, PARAKONAM VEEDU, KOTTOOR P.O.
MAZDOOR WATCHERS (NMR WORKERS), DO.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS:

1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY**
FOREST DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM.
2. **THE CHIEF CONSERVATOR OF FOREST,**
FOREST HEAD QUARTERS, GOVERNMENT OF KERALA
VAZHUTHACAUD, THIRUVANANTHAPURAM 695 014.
3. **THE DIVISIONAL FOREST OFFICER,**
OFFICE OF DIVISIONAL FOREST OFFICER
AUGUSTIAVANOM BIOLOGICAL PARK, SPECIAL DIVISION
P.T.P.NAGAR.
4. **THE RANGE OFFICER, KOTTOOR SECTION NO.1,**
KAPPUKADU RANGE, OFFICE.

(CONTD....)

**5. THE FORESTER, AUGUSTIAVANOM
BIOLOGICAL PARK, SPECIAL DIVISION
KOTTOOR SECTION NO.1.**

BY GOVERNMENT PLEADER SRI. S. JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS:-

- | | | |
|--------|---|---|
| EXT.P1 | - | COPY OF THE G.O.(RT) NO.1265/2002/LBR DATED 21.05.2002
PUBLISHED AS PER GAZETTE NOTIFICATION ON 05.06.2002. |
| EXT.P2 | - | COPY OF THE COMMUNICATION DATED 01.06.2002 FROM
CHIEF CONSERVATOR OF FOREST (WILD LIFE). |
| EXT.P3 | - | COPY OF THE ORDER DATED 17.06.1996 BY WHICH VACANCIES
OF S.L.R. WORKERS WERE CREAED AND NEW SERVICE
CONDITIONS WERE BROUGHT INTO FORCE. |
| EXT.P4 | - | COPY OF THE RELEVANT PAGES OF TREASURY PAS BOOK OF
THE 2ND RESPONDENT. |
| EXT.P5 | - | COPY OF THE CHEQUE DATED 22.12.2003 OF
3RD RESPONDENT. |
| EXT.P6 | - | COPY OF THE RELEVANT PAGES OF PASS BOOK OF 4TH
RESPONDENT DATED 09.11.1994. |
| EXT.P7 | - | COPY OF THE TREASURY CHEQUE DATED 22.12.2003. |

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE.

K. VINOD CHANDRAN, J.

W.P(C). No.6898 of 2004

Dated this the 1st day of September, 2015.

JUDGMENT

The first petitioner claims to be a Wireless Operator and the petitioners 2 to 4 claim to be Mazdoor Watchers engaged by the Forest Department of the State. The petitioners claim regular pay scale as also insurance coverage and supply of communication equipments and safety gadgets. The claim in fact was to regularise their service.

2. A Counter Affidavit has been filed by the first respondent, wherein it has been specifically stated that the petitioners were engaged on daily wages for such work, which does not require a permanent post to be created due to the nature of work being intermittent. Daily wage engagements were made as Fire Watchers, Nursery Watchers and staff for the assistance of the forest staff, which requirement only arises intermittently.

3. In fact this Court noticed that the petitioners 1,3 and 4 were discharged from service on 04.05.2004. This Court by order dated 21.05.2004, merely directed that if need arises for engagement in the works in which the petitioners were engaged, then the petitioners may be preferentially considered.

In such circumstances, nothing survives in the writ petition and the writ petition would stand closed by making the interim order absolute. No costs.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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