

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WA.No. 1056 of 2013 () IN WP(C).3909/2010

AGAINST THE ORDER/JUDGMENT IN WP(C) 3909/2010 OF HIGH COURT OF KERALA
DATED 28-02-2013

APPELLANTS/PETITIONERS:

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1. RAGHAVAN K.K, AGED 54 YEARS,
S/O. KUNJU, N.M.R.METER READER,
(REGULARISED AS UNSKILLED WORKER), P.H.SECTION,
KERALA WATER AUTHORITY, MOOVATTUPUZHA,
ERNAKULAM DISTRICT.
 2. A.K.CHANDRASEKHARAN NAIR, AGED 57,
S/O. KARUNAKARAN NAIR, N.M.R.METER READER,
(REGULARISED AS UNSKILLED WORKER), (NOW RETIRED
WHILE BEING IN SERVICE), P.H.SECTION
KERALA WATER AUTHORITY, MOOVATTUPUZHA,
RESIDING AT ARACKAKUDIYIL HOSUE, VARAPETTY P.O.,
KOTHAMANGALAM, ERNAKULAM DISTRICT.

BY ADVS.SRI.M.P.KRISHNAN NAIR
SRI.V.B.NARAYANAN

RESPONDENT(S)/RESPONDENTS:

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1. KERALA WATER AUTHORITY,
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM - 695 001.
 2. EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH DIVISION,
PERUMBAVOOR, ERNAKULAM DISTRICT - 6873 542.
 3. ASSISTANT ENGINEER,
P.H.SECTION, KERALA WATER AUTHORITY, MOOVATTUPUZHA,
ERNAKULAM DISTRICT 686 661.
 4. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
WATER RESOURCES, (WATER B) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

R4 BY GOVERNMENT PLEADER
R1 TO R3 BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 19-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DG

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

W.A.No.1056 of 2013

Dated this the 19th day of February, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. Admitted. Learned Standing Counsel for the Kerala Water Authority - 'KWA', for short - takes notice for respondents 1, 2 and 3. The learned Senior Government Pleader appears for the 4th respondent. On consent of parties, noticing that service is complete, the matter is taken up for final hearing.

2. As rightly noted by the learned single Judge in paragraph 7 of the impugned judgment, the only dispute is based on a question of fact as to whether the writ petitioners had acquired the necessary qualifications. Though the learned single Judge made reference to Exhibit P13 communication by the Managing Director of KWA to the Principal Secretary to Government, it was viewed as only one which contains an indication that the petitioners were qualified. We are of the view that this approach adopted by the learned single Judge is

faulty. We say so because, as rightly noted by the learned single Judge, the question is one of fact. The highest authority in KWA has made a responsible statement after analyzing the requisite facts and had issued Exhibit P13, saying that the appellants herein, namely, K.K.Raghavan and A.K.Chandrasekharan Nair, are eligible to be regularized in KWA with effect from 01.04.1989. There is nothing on record to show that the said conclusion was arrived at by the Managing Director, without advertent to the relevant facts and factors. Exhibit P13 is itself explicit as to the reasoning process by which the Managing Director, KWA, had come to such conclusion. We are, therefore, unable to sustain the impugned judgment. In the light of Exhibit P13, the appellants, who have already retired from the service, are entitled to the benefits as sought for in the writ petition.

3.Hence, this writ appeal is allowed, vacating the impugned judgment and consequently allowing the writ petition and declaring that the writ petitioners are entitled and qualified to be regularized as meter readers with effect from 01.04.1989 in the service of the Kerala Water Authority. This declaration

shall be followed scrupulously and all consequential certifications shall be carried out within a period of two months from today, as regards the documents which are impugned in the writ petition. Consequential monetary benefits on the basis of this judgment shall be released to the petitioners, within a period of three months from the date of receipt of a copy of this judgment, without fail. The period fixed hereby for compliance shall be treated as peremptory by all concerned.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG