

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 255 of 2011 (F)

PETITIONER(S):

1. M. SATHEESAN, AGED 46 YEARS,
S/O.NEELAKANDHAN NAMBOOTHIRIPAD,
MURIYAMAGALATHU MANA, EROOR, THRIPOONITHURA.
2. MATHEW VARGHESE, AGED 39 YEARS,
S/O.C.M.VARGHESE, H.NO.28/2655 G3, PONNATH SOUTH ROAD,
KADAVANTHARA, ERNAKULAM.
3. SRINATH S.S. ALIAS JOSE, AGED 49 YEARS,
S/O.LATE V.SRIDHARAN, E3/91 CPT QUARTERS RNAS,
WILLINGTON ISLAND, KOCHI-682 003.
4. RAJESH PILLAI, AGED 37 YEARS,
S/O.RAMACHANDRAN NAIR, H.NO.23/2003 A,
ANNAMKULANGARA LANE, MARUNNUKADA, PALLURUTHI,
KOCHI-6.
5. AKASH PRAKASH, AGED 34 YEARS,
S/O.K.K.PRAKASHAN, H.NO.34/2014A, SREESAILAM,
BTS MAMAGALAM CROSS ROAD, EDAPPALY, KOCHI-24.

BY ADVS.SMT.M.A.VAHEEDA BABU
SRI.JAGAN GEORGE
SRI.K.A.NOUSHAD
SRI.P.G.PRAMOD

RESPONDENT(S):

1. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY TO GOVERNMENT, MINISTRY OF SHIPPING,
PORTS WING, PARIVAHAN BHAVAN, PARLIAMENT STREET,
NEW DELHI-110 001.
2. THE COCHIN PORT TRUST, REPRESENTED BY
ITS CHAIRMAN, WILLINGTON ISLAND, KOCHI-682 009.
3. THE BOARD OF TRUSTEES OF COCHIN
PORT TRUST, REPRESENTED BY THE CHAIRMAN,
COCHIN PORT TRUST, WILLINGTON ISLAND, KOCHI-682 009.

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4. INDIAN PORTS ASSOCIATION,
1ST FLOOR, SOUTH TOWER, NBCC PLACE,
BHISHAM PITAMAH MARG, LODI ROAD, NEW DELHI-110 003,
REPRESENTED BY ITS MANAGING DIRECTOR.

*ADDL.R5 TO R10 ARE IMPEADED

*ADDL.R5: N.K.RAJENDRAN, EXECUTIVE ENGINEER (M),
WORKSHOP, COCHIN PORT TRUST, WILLINGTON ISLAND,
KOCHI-682 003

*ADDL.R6: C.K.SIVARAMAN, DEPUTY MATERIALS MANAGER,
CONTROLLER OF STORES OFFICE, COCHIN PORT TRUST,
WILLINGTON ISLAND, KOCHI-682 003

*ADDL.R7: G.SOMANATHAN, ASSISTANT EXECUTIVE ENGINEER (M),
DOCK MASTERS OFFICE, COCHIN PORT TRUST,
WILLINGTON ISLAND, KOCHI-682 003

*ADDL.R8: V.A.SAJEEV, ASSISTANT EXECUTIVE ENGINEER (M),
CME'S OFFICE, COCHIN PORT TRUST, WILLINGTON ISLAND,
KOCHI-682 003

*ADDL.R9: K.G.GEORGE, ASSISTANT EXECUTIVE ENGINEER (M),
DRY DOCK, COCHIN PORT TRUST, WILLINGTON ISLAND,
KOCHI-682 003

*ADDL.R10: V.J.THOMAS, ASSISTANT MATERIALS MANAGER, GR 1,
CONTROLLER OF STORES OFFICE, COCHIN PORT TRUST,
WILLINGTON ISLAND, KOCHI-682 003

*ADDL.R5 TO R10 ARE IMPEADED AS PER ORDER DATED 21/7/2011 IN
IA.NO.11388/2011.

R1 BY ADV.SRI.N.NAGARESH, ASG
R2 & R3 BY SRI.K.ANAND, SENIOR ADVOCATE
ADV. SMT.LATHA KRISHNAN
SRI.B.S.KRISHNAN(SR.),SC,PORT TRUST
R4 BY ADV. SRI.E.K.NANDAKUMAR
ADDL.R5 BY ADVS. SRI.R.DIVAKARAN
SRI.VINUCHAND
SMT.SAHNA M.SAMBAJI
ADDL.R6 TO R10 BY ADV. SRI.E.D.GEORGE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-03-2015, ALONG WITH WPC.NO. 2245 OF 2011, THE COURT
ON 20-05-2015 DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE RELEVANT PORTION OF THE COCHIN PORT EMPLOYEES (RECRUITMENT, SENIORITY AND PROMOTION) REGULATIONS, 1964
- P2 COPY OF THE RELEVANT PORTION OF THE SENIORITY LIST OF CLASS 1 & II OFFICERS OF THE MECHANICAL ENGINEERING DEPARTMENT OF THE PORT, AS ON 30/6/2007
- P3 COPY OF THE RELEVANT PORTION OF THE INTIMATION DATED 6/2/2004 OF THE 1ST RESPONDENT TO THE 2ND RESPONDENT, RECOMMENDING CADRE RESTRUCTURING
- P4 COPY OF THE FORWARDING LETTER DATED 24/7/2004 OF THE 1ST RESPONDENT FORWARDING THE MODEL RSP REGULATIONS FOR APPROVAL ALONG WITH THE RELEVANT PORTION OF THE MODEL RSP REGULATIONS
- P5 COPY OF THE REPRESENTATION DATED 1/3/2004 SUBMITTED BY THE 3RD PETITIONER BEFORE THE 3RD RESPONDENT
- P6 COPY OF THE ORDER DATED 15/7/2008 OF THE 1ST RESPONDENT
- P7 COPY OF THE RELEVANT PORTION OF THE AGENDA ITEM NO.C6 DATED 8/5/2009 WHICH CAME UP BEFORE THE BOARD OF TRUSTEES MEETING ON 8/5/2009
- P8 COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE PROCEEDINGS OF THE ORDINARY MEETING NO.1 OF 2009-10 OF BOARD OF TRUSTEES HELD ON 8/5/2009
- P9 COPY OF THE REPRESENTATION DATED 19/6/2009 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT
- P10 COPY OF THE RELEVANT PORTION OF THE COCHIN PORT TRUST EMPLOYEES (RECRUITMENT, SENIORITY AND PROMOTION) REGULATIONS, 2010.
- P11 COPY OF THE RELEVANT PORTION OF THE AGENDA DATED 29/3/2006 ALONG WITH RESOLUTION NO.143 OF THE BOARD
- P12 COPY OF THE ORDER DATED 18/05/2011 OF THE 2ND RESPONDENT
- P13 COPY OF THE ORDER DATED 20/06/2011 OF THE 2ND RESPONDENT
- P14 COPY OF THE ORDER DATED 01/07/2011 OF THE 2ND RESPONDENT

RESPONDENT'S EXHIBITS:

- R1(A) COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT DATED 6/2/2004

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R5(A) COPY OF THE LETTER DATED 21/9/04

R5(B) COPY OF THE MEMORANDUM OF SETTLEMENT DATED 19/5/2005

R5(C) COPY OF THE ORDER DATED 27/5/2005

R5(D) COPY OF THE ORDER DATED 27/6/2001

/TRUE COPY/

P.A.TO JUDGE

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K.VINOD CHANDRAN, J.

W.P.(C)Nos.255 & 2245 of 2011

Dated this the 3rd day of January, 2014

JUDGMENT

Today, when the case was called neither the petitioners nor their counsel was present. Hence, the writ petitions are dismissed for default.

Sd/-

K.VINOD CHANDRAN, JUDGE.

In

/True copy/

P.A. To Judge.