

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYASHTA, 1937

WA.No. 192 of 2015
IN WP(C).15793/2014

AGAINST THE JUDGMENT IN WP(C) 15793/2014 of HIGH COURT OF KERALA
DATED 12/08/2014

APPELLANT/PETITIONER:

R.RAJESH KUMAR, AGED 32 YEARS
S/O.RAJASEKHARAN NAIR
PIDAYANNOOR RESIDENCE ASSOCIATION, H.NO.P.R.A-47
NEAR A.R.R.PUBLIC SCHOOL, NETTAYAM, VATTIYOORKAVU P.O.
THIRUVANANTHAPURAM-13.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS/RESPONDENTS:

1. REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM-695 001.
2. KERALA STATE CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD.,
REP. BY ITS MANAGING DIRECTOR, LAND BANK BUILDING
STATUE, THIRUVANANTHAPURAM-695 001.
3. MANAGING DIRECTOR,
KERALA STATE CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD.
LAND BANK BUILDING, STATUE
THIRUVANANTHAPURAM-695 001.
4. PRESIDENT,
BOARD OF DIRECTORS
KERALA STATE CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD.
LAND BANK BUILDING, STATUE
THIRUVANANTHAPURAM-695 001.

5. KERALA PUBLIC SERVICE COMMISSION,
REP. BY ITS SECRETARY
OFFICE OF KERALA PUBLIC SERVICE COMMISSION, PATTOM
THIRUVANANTHAPURAM-695 001.

* ADDL. RESPONDENT NO.6

SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF CO-OPERATION,
SECRETARIAT,
THIRUVANANTHAPURAM-695001.

*[ADDL. 6TH RESPONDENT IS IMPEADED AS PER ORDER DT. 16/02/2015 IN IA
NO.244/2015]

BY SR. GOVERNMENT PLEADER SRI.JOSEPH GEORGE
BY SRI.GEORGE POONTHOTTAM
BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P. R. RAMACHANDRA MENON
&
BABU MATHEW P. JOSEPH, JJ.**

W. A. No.192 of 2015

Dated this the 25th day of May, 2015

JUDGMENT

Babu Mathew P. Joseph, J.

The appellant is the petitioner in the writ petition. He challenges the promotion given to the Guest Room Keepers to the post of Peon in the second respondent Bank.

2. Heard the learned counsel appearing for the appellant, learned Senior Government Pleader appearing for the respondents 1 and 6 and the learned Standing Counsel appearing for the fifth respondent.

3. The grievance of the appellant is that Draft Recruitment Rules have been framed for effecting appointment to various posts in the second respondent Bank and sent it to the Government for their approval. But, those Rules have not been finalised so far. In the Draft Recruitment Rules approved by the Bank, there is no post of

Guest Room Keeper. But, the second respondent Bank effected appointment temporarily to the posts of Guest Room Keepers and now they are given promotion to the posts of Peon. These are done against the mandate of the Draft Recruitment Rules and hence illegal, submits the learned counsel for the appellant.

4. Exhibit R2(a) is a copy of the resolution adopted by the second respondent Bank by which it was decided to create ten posts of Guest Room Keepers as per the agenda appearing in that resolution and send it to the first respondent for his approval. The first respondent duly approved Ext.R2(a) resolution by Ext.R2(b) order dated 13-05-2005. Therefore, it is quite evident that the posts of Guest Room Keepers were duly created by the second respondent and it was duly approved by the first respondent. Then only the second respondent effected appointment to the posts of Guest Room Keepers and, in turn, gave promotion to the posts of Peon as provided in Ext.R2(a). Therefore, the appellant who is an unemployed

youth and who has no direct connection with the second respondent as an employee or even as an applicant for any of the posts in the Bank has no right to challenge such appointments effected by the second respondent in accordance with the provisions contained in Exts.R2(a) and R2(b). In that view of the matter, this appeal fails and accordingly, it is dismissed.

Sd/-

P. R. RAMACHANDRA MENON
JUDGE

Sd/-

BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE

