

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WA.No. 371 of 2015 () IN WP(C).1078/2015

AGAINST THE JUDGMENT IN WP(C) 1078/2015 of HIGH COURT OF
KERALA

APPELLANT(S)/2ND TO 5TH RESPONDENT IN WPC:

1. THE RUBBER BOARD
HEAD OFFICE, POST BOX NO. 1122, SUB JAIL ROAD
KOTTAYAM - 686 002, REPRESENTED BY ITS SECRETARY.

2. THE CHAIRMAN
RUBBER BOARD, POST BOX NO. 1122, SUB JAIL ROAD
KOTTAYAM - 686 002.

3. THE DIRECTOR
LICENSING & EXCISE DUTY, RUBBER BOARD
POST BOX NO. 1122, SUB JAIL ROAD,
KOTTAYAM - 686 002.

4. THE DEPUTY DIRECTOR (LICENSING)
RUBBER BOARD, LICENSING DIVISION,
WILLINGDON ISLAND
KOCHI - 682 003.

BY ADVS.SRI.V.ABRAHAM MARKOS
SRI.BINU MATHEW
SRI.TOM THOMAS (KAKKUZHIYIL)
SRI.ABRAHAM JOSEPH MARKOS
SRI.ISAAC THOMAS

RESPONDENT(S)/PETITIONERS 1 TO 24 IN WPC AND 1ST
RESPONDENT IN WPC:

1. ALL INDIA RUBBER EMPLOYEES ASSOCIATION
REG.NO.289/71, AZAD LANE, KOTTAYAM - 686 001
REPRESENTED BY ITS GENERAL SECRETARY C.PRADEEP.

2. P.N.DEVARAJAN
WORKING PRESIDENT
ALL INDIA RUBBER BOARD EMPLOYEES ASSOCIATION
REG. NO. 289/71, AZAD LANE, KOTTAYAM - 686 001.

3. K.J.MARY
SECTION OFFICER, THE RUBBER BOARD,
LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

4. LAKSHMY DEVI M
JUNIOR ASSISTANT,
THE RUBBER BOARD, LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

5. JOSEPH MAJO K.G
JUNIOR ASSISTANT, THE RUBBER BOARD,
LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

6. LAKSHMI. S
JUNIOR ASSISANT, THE RUBBER BOARD,
LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

7. S.JAYA
JUNIOR ASSISTANT GRADE -I, THE RUBBER BOARD
LICENSING DIVISION, WILLINGDON ISLAND
KOCHI - 682 003.

8. VIJAYALEKSHMY V. PRABHU
ASSISTANT, THE RUBBER BOARD, LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

9. MAYA C.P
PEON/WATCHER, THE RUBBER BOARD, LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

10. AJITHKUMAR P.T
PEON/WATCHER, THE RUBBER BOARD, LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

11. LEENAKUMARY S
JUNIOR ASSISTANT GRADE - I, THE RUBBER BOARD
LICENSING DIVISION, WILLINGDON ISLAND
KOCHI - 682 003.

12. NISHA FRANKLIN
JUNIOR ASSISTANT, THE RUBBER BOARD,
LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

13. REENA JESSEENTHA C.A
JUNIOR ASSISTANT GRADE -I, THE RUBBER BOARD
LICENSING DIVISION, WILLINGDON ISLAND
KOCHI - 682 003.

14. SREEDEVI C
SECTION OFFICER, THE RUBBER BOARD,
LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

15. LATHADEVI V
ASSISTANT, THE RUBBER BOARD, LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

16. SINDHU SHIBU
JUNIOR ASSISTANT GRADE - I, THE RUBBER BOARD
LICENSING DIVISION, WILLINGDON ISLAND
KOCHI - 682 003.

17. VASANTHI R
ASSISTANT, THE RUBBER BOARD, LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

18. NEETHI CHACKO
JUNIOR ASSISTANT, THE RUBBER BOARD,
LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

19. GEETHA K.N
ASSISTANT, THE RUBBER BOARD, LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

20. K.S.LILYKUTTY
ASSISTANT, THE RUBBER BOARD, LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

21. PATHROSE M.M
ASSISTANT, THE RUBBER BOARD, LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

22. SURESH BABU
ASSISTANT, THE RUBBER BOARD, LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

23. SARITHA C.M
STENOGRAPHER GRADE II, THE RUBBER BOARD
LICENSING DIVISION, WILLINGDON ISLAND
KOCHI - 682 003.

24. K.SEETHAMMAL
SECTION OFFICER, THE RUBBER BOARD,
LICENSING DIVISION
WILLINGDON ISLAND, KOCHI - 682 003.

25. UNION OF INDIA
REPRESENTED BY ITS SECRETARY
TO GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
CENTRAL SECRETARIAT, NEW DELHI - 110 001.

R1-R24 BY ADV. SRI.K.JAJU BABU (SR.),
ADV. SMT.M.U.VIJAYALAKSHMI &
BY ADV. SRI.BRIJESH MOHAN
BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
05-03-2015, ALONG WITH WPC. 1078/2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

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W.A. NO. 371 OF 2015

&

W.P. (C) NO. 1078 OF 2015 - H
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Dated this the 5th day of March, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Writ Appeal No. 371/2015 has been filed against an interim order dated 13-1-2015 passed by the learned Single Judge in Writ Petition No. 1078 of 2015. The Writ Appeal was heard by this Court on 2-3-2015 and as agreed by the learned counsel appearing for the parties, the Writ Petition was also directed to be listed along with the Writ Appeal. Hence, both the above cases have come up today.

2. The Writ Petition was filed by All India Rubber

Board Employees Association as the first petitioner, the 2nd petitioner is an employee working at the Rubber Board Head Office, Kottayam and petitioners 3 to 24 are other employees working at the Rubber Board Licensing Division, Willington Island, Kochi.

3. The Writ Petition was filed challenging Exts. P4, P5 and P7 orders by which the Chairman of the Rubber Board has issued an order regarding shifting and functioning of Licensing Division, Kochi to Headquarter, Kottayam. The said orders were issued on 1-1-2015, 5-1-2015 and 6-1-2015 respectively.

4. The principal submission which was raised by the learned counsel for the Writ Petitioner was that the order directing shifting of the Licensing Division, Kochi to Head Office, Kottayam, within 18 days i.e. on or before 19th January 2015, is arbitrary, illegal and unconstitutional .

5. Learned counsel for the petitioners submitted that even the Deputy Director (Licensing) has represented to the Director informing about the various difficulties which may be felt in shifting the office within a short span of time. The Deputy Director has requested that time, at least till 31-3-2015, shall be given for making proper arrangement and shifting of the Division to Kottayam.

6. The learned single Judge, in the Writ Petition, passed an interim order on 13-01-2015 for staying the operation of Exts. P4, P5 and P7 orders for a period of two months.

7. It is argued by the learned counsel for the appellants that the learned Single Judge should not have interfered with such administrative orders. The submission of the learned counsel for the Appellant is that even the Deputy Director himself has requested for

granting of time only till 31-3-2015. Hence, at best, time could be extended only till 31-3-2015.

In view of the limited prayer made by the learned counsel for the appellant, we are of the view that ends of justice will serve in closing both the Appeal as well as the Writ Petition with a direction that the orders impugned in the Writ Petition Ext. P4, P5 and Ext. P7 shall be implemented after 31-3-2015. We make it clear that we have not examined any other issues both in the Writ Petition as well as the Writ Appeal. Accordingly, the Writ Appeal as well as the Writ Petitions are closed.

Sd/-ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFFIQUE,
JUDGE

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P.S.toJudge