

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WA.No. 684 of 2015 () IN WP(C).23778/2011

**AGAINST THE ORDER/JUDGMENT IN WP(C) 23778/2011 of HIGH COURT OF KERALA
DATED 27-02-2015**

APPELLANT(S)/PETITIONERS 2 & 3:

- 1. K.P. JOSHIL
KAAPINKARA, AZHIKKODE SOUTH P.O.**
- 2. K.MUKESH
KALLEN HOUSE, PAPPINSSERY WEST P.O.**

**BY ADVS.SRI.P.V.SURENDRANATH
SMT.BINDUMOL JOSEPH
SRI.B.S.SYAMANTHAK**

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY FOR
CULTURAL AFFAIRS DEPARTMENT
GOVERNMENT OF KERALA, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. KERALA FOLKLORE ACADEMY
REPRESENTED BY ITS SECRETARY, CHIRACKAL P.O.
PUTHIYATHERU - 670 011.**
- 3. SECRETARY
KERALA FOLKLORE ACADEMY, CHIRACKAL P.O.
PUTHIYATHERU - 670 011.**
- 4. SRI. P.K.ABDUL RAHMAN,
PEON, KERALA FOLKLORE ACADEMY, CHIRACKAL P.O.
PUTHIYATHERU - 670 011.**
- 5. O.V.SUARNAN
KERALA FOLKLORE ACADEMY, CHIRACKAL P.O.
PUTHIYATHERU KANNUR, RESIDING AT ODAN VALAPPIL
THALUVIL, PARASSINIKKADAVU P.O - 670 563.**

**R2 & R3 BY SRI.T.KAJITH KUMAR
BY SRI.K.R.AVINASH (KUNNATH)
R1 BY SR GOVERNMENT PLEADER SRI.M.K.ABOOBACKER**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23-03-2015
ALONG WITH WA NO.689/15, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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Writ Appeal Nos.684 & 689 of 2015
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Dated this the 23rd day of March, 2015

J U D G M E N T

Antony Dominic, J.

These writ appeals arise from the judgment in WP(C) Nos.23778/11 and 13111/14 respectively. Appellants were working as temporary hands in the category of Lower Division Typist and Lower Division Clerk in the Kerala Folklore Academy. While, they were continuing in service, Folklore Academy initiated steps for regular appointment. When they were threatened with termination, they filed the writ petitions essentially claiming regularization in service. Learned single Judge declined the prayer, but directed that they shall be permitted to continue in service until regular hands join service. It is this judgment, which is under challenge.

2. We heard the learned counsel for the appellants, the learned Government Pleader, the learned standing counsel for respondents 2 and 3 and also the learned counsel appearing for the party respondents.

3. Admittedly, the appointment of the appellants were not regular, but temporary, pending regular recruitment. Such

appointees do not have any vested right to continue in service beyond the period of their appointment or to claim regularisation in service. The maximum they could have asked for is to allow them to continue till regular hands join service. The learned single Judge has rightly declined the prayer of regularisation and has given maximum relief by permitting them to continue until regular hands join duty. It is informed by the learned standing counsel for respondents 2 and 3 that regular hands joined duty from 16/3/15. In such circumstances, we are unable to find any illegality in the view taken by the learned single Judge in entertaining these writ petitions.

4. In so far as WA No.689/15 is concerned, they have also a grievance that their names were not sponsored by the Employment Exchange. However, from the statement filed on behalf of the Employment Officer, it is evident that the name of the appellants were not sponsored for the reason that there were candidates who were senior to them and it was those senior candidates who were sponsored against the requisition made by

the appointing authority. Therefore, the appellants could not have sought any order from this Court.

Writ appeals are dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge