

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WA.No. 831 of 2015 () IN WP(C).5197/2015

**AGAINST THE ORDER/JUDGMENT IN WP(C) 5197/2015 of HIGH COURT OF KERALA
DATED 19-03-2015**

APPELLANT(S)/3RD PARTIES:

1. **MINU K.K.,
ASSISTANT PROFESSOR IN MATHEMATICS,
COLLEGE OF ENGINEERING, POONJAR.**
2. **MURALI V.S.
ASSISTANT PROFESSOR IN PHYSICS,
COLLEGE OF ENGINEERING, KALLOOPPARA,
PATHANAMTHITTA.**

**BY ADVS.SRI.K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI**

RESPONDENT(S)/PETITIONERS & R1TO R3:

1. **AKHIL.R
ASSISTANT PROFESSOR IN MECHANICAL ENGINEERING
COLLEGE OF ENGINEERING, ADOOR RESIDING AT PARIJATHAM
THEKKUMCHERY, PUTHOOR P.O, KOTTARAKKARA.**
2. **ARUN RAVI
ASSISTANT PROFESSOR IN MECHANICAL ENGINEERING
COLLEGE OF ENGINEERING, ADOOR RESIDING AT SOUPARNIKA
KAITHAKATTU HOUSE, MALAYILMUKKU, PATHIYOOR EAST
KEERIKADU P.O, KAYAMKULAM, ALAPPUZHA.**
3. **DAINS K.JOHN
ASSISTANT PROFESSOR IN MECHANICAL ENGINEERING
COLLEGE OF ENGINEERING, ADOOR RESIDING AT RED STAR
THALACHIRA P.O, KOTTARAKKARA, KOLLAM.**
4. **JOSEPH JOHN THARAKAN
ASSISTANT PROFESSOR IN MECHANICAL ENGINEERING
COLLEGE OF ENGINEERING
ADOOR RESIDING AT HOUSE NO.70A, PTP NAGAR
THIRUVANANTHAPURAM.**

5. KIRAN R
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KUNAMKUZHI, PUNALUR, KOLLAM.
6. MANJUNATH N
ASSISTANT PROFESSOR IN MECHANICAL ENGINEERING
COLLEGE OF ENGINEERING, ADOOR RESIDING AT VISAKHOM
CHEKKALAMUKKU, SREEKARIYAM P.O, THIRUVANANTHAPURAM.
7. PRAVEEN B
ASSISTANT PROFESSOR IN MECHANICAL ENGINEERING
COLLEGE OF ENGINEERING
ADOOR RESIDING AT THENGUM THOTTATHIL PUTHEN VEEDU
THATTAYIL P.O, PATHANAMTHITTA.
8. RAMKUMAR S
ASSISTANT PROFESSOR IN MECHANICAL ENGINEERING
COLLEGE OF ENGINEERING
ADOOR RESIDING AT SREEVILASAM, VAVVAKAVV P.O
KARUNAGAPPALLY, KOLLAM.
9. RAMU S
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ADOOR RESIDING AT VILAYIL VEEDU, PLACHERY P.O
KALAYANADU, PUNALUR, KOLLAM.
10. RIGIN MATHEW JAMES
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COLLEGE OF ENGINEERING
ADOOR RESIDING AT CHARIVUKALAYIL HOUSE, VELLAYIL P.O
THEODICAL, THIRUVALLA, PATHANAMTHITTA DISTRICT.
11. NITHIN G KRISHNA
ASSISTANT PROFESSOR IN MECHANICAL ENGINEERING
COLLEGE OF ENGINEERING
ADOOR RESIDING AT MAMPRA HOUSE, KALLARKADAVU
PATHANAMTHITTA P.O, PATHANAMTHITTA DISTRICT.
12. VINOD VIJAYAN
ASSISTANT PROFESSOR IN MECHANICAL ENGINEERING
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PATTOOR P.O, NOORANAD, ALAPPUZHA.
13. ANJALI M.J
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THEVALAPPURAM P.O, PUTHOOR, KOTTARAKKARA
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14. DEEPA SREEDHAR
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KOTTARAKKARA.

15. IRENE MARIA
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WEST MANASSERY, MANASSERY P.O, CALICUT.
16. LEENU REBECCA MATHEW
ASSISTANT PROFESSOR IN COMPUTER SCIENCE ENGINEERING
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ADOOR RESIDING AT VETTEELETHU HOUSE, MANAKALA P.O
ADOOR.
17. SUCHITHRA CHANDRASEKHARAN
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OACHIRA, KOLLAM.
18. VIBITHA P GEORGE
ASSISTANT PROFESSOR IN COMPUTER SCIENCE ENGINEERING
COLLEGE OF ENGINEERING, ADOOR RESIDING AT PALATHINAL
KALLISSERY P.O, CHENGANNUR, ALAPPUZHA.
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ASSISTANT PROFESSOR IN ELECTRONICS AND COMMUNICATION
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PATHANAMTHITTA.
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21. RANI RAJENDRAN
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PANDALAM, PATHANAMTHITTA.
22. JEENA JAMES
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ADOOR RESIDING AT JAMES COTTAGE, MANGADU
ELAMANNOOR P.O, PATHANAMTHITTA.
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24. AISWARYA GOPINATH
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25. LINCY JOSEPH
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ADOOR RESIDING AT MOTHER DALE, TC 34/375(5)
JUDGES COMPOUND, THIRUVANANTHAPURAM.
26. VARUNLAL R
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THIRUVONA, CHUNKATHARA, PUTHOOR P.O, KOLLAM.
27. ANUROOP P.V
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28. MAREENA FRANCIS
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29. RADHASREE S
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COLLEGE OF ENGINEERING
ADOOR RESIDING AT RADHASREE BHAVAN, KANDALA
KANDALA P.O, THIRUVANANTHAPURAM.
30. RADHIKA R CHANDRAN
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COLLEGE OF ENGINEERING
ADOOR RESIDING AT VADAKKEDATHU PUTHEN VEEDU
KOTTAYAM P.O, PATHANAMTHITTA.
31. OMEGA A.R
ASSISTANT PROFESSOR IN ELECTRICAL AND
ELECTRONICS ENGINEERING
COLLEGE OF ENGINEERING
ADOOR RESIDING AT ANANDA BHAVAN, NEAR POST OFFICE
EZHUKE P.O, KOLLAM.
32. SUMA JACOB
ASSISTANT PROFESSOR IN ELECTRICAL AND
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COLLEGE OF ENGINEERING, ADOOR RESIDING AT DARSANA
SASTHAMCOTTA P.O, KOLLAM.

33. HRIDAYA MERIN SAJU
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ELECTRONICS ENGINEERING
COLLEGE OF ENGINEERING
ADOOR RESIDING AT NADUVILATHU SHIJIN VILLA
NELLIKALA P.O, PATHANAMTHITTA.
34. ANITA JOSE
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ELECTRONICS ENGINEERING
COLLEGE OF ENGINEERING
ADOOR RESIDING AT AMBALATHINKAL, THELLAKOM P.O
KOTTAYAM.
35. SHAEMA LIZABETH MATHEW
ASSISTANT PROFESSOR IN ELECTRICAL AND
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COLLEGE OF ENGINEERING
ADOOR RESIDING AT KARIKKOTTU KADESH, PUTHIYACAVU
MAVELIKKARA, ALAPPUZHA.
36. SUJITHA SURENDRAN
ASSISTANT PROFESSOR IN ELECTRICAL AND
ELECTRONICS ENGINEERING
COLLEGE OF ENGINEERING, ADOOR RESIDING AT PRANAVAM
VETTIYAR P.O, MAVELIKKARA, ALAPPUZHA.
37. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HIGHER EDUCATION, GOVERNMENT OF KERALA
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
38. INSTITUTE OF HUMAN RESOURCE DEVELOPMENT
PRAJOE TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM
REPRESENTED BY ITS DIRECTOR, 695 014.
39. THE PRINCIPAL
COLLEGE OF ENGINEERING, MANAKALA P.O, ADOOR
PATHANAMTHITTA 691 551.
- BY SR GOVERNMENT PLEADER SRI.M.K.ABOOBACKER
BY SRI.PRATHEESH.P
BY SRI.V.A.MOHAMMED, SC, IHRD

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-04-2015 ALONG
WITH WA NO.832/15 & CONN.CASES, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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Writ Appeal Nos. 831, 832, 833 & 834 of 2015
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Dated this the 9th day of April, 2015

J U D G M E N T

Antony Dominic, J.

The appellants, who were not parties to the writ petitions, filed these appeals after obtaining leave from this Court. Writ petitions were filed by the party respondents herein who were working on *ad hoc* basis for ten months in the Colleges run by the Institute of Human Resources Development (I.H.R.D.). What they essentially sought was the benefit of Government Order dated 19/7/14, as per which, according to them, they were entitled to continue for a period of three years in service and also for other benefits provided therein.

2. By the judgment under appeals, the learned single Judge directed that it is for the IHRD to decide whether they should accept the Government Order and implement the same in their institution. On this basis, learned single Judge directed the IHRD to take a decision in the matter, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of the judgment.

3. These appeals are filed by Assistant Professors of the IHRD, who are regular employees. Their main grievance is narrated in para 4 of the memorandum of these appeals, which is extracted below for reference;

“4. The appellants herein are regular teachers of the Engineering Colleges under the IHRD. They are affected by the direction given by the learned Single Judge to retain the petitioners in the post held by them, since applications have been called for transfer. Now by virtue of the judgment of the learned Single Judge, even if the petitioners and other regular employees apply for transfer, there is every possibility that their claim would be rejected stating that contract employees are holding the posts”.

It is urging this issue that they have filed these appeals.

4. As we have already stated, in the judgment under appeals, the learned single Judge has neither upheld the claim of the writ petitioners nor did the learned single Judge rejected the same. Instead, the learned single Judge has only directed the IHRD to decide as to whether the Government Order mentioned

above should be adopted and implemented in the IHRD. It is true that if the decision eventually to be taken by the IHRD is in favour of the writ petitioners, it can have an impact on the appellants and that precisely is what is the grievance that led them to file this appeals also.

5. In our view, the grievance now raised by the appellants as projected in para 4 of the appeal memorandums, can, for the present, be redressed, if the IHRD takes a decision as directed by the learned single Judge in a shorter period and while doing so, the grievance raised by the appellants should also be dealt with.

Accordingly, we dispose of these appeals directing that the IHRD shall take a decision as directed by the learned single Judge, as expeditiously as possible, at any rate, before 30th of April, 2015 and, while doing so, the IHRD shall address the grievance urged by the appellants also, which has been extracted in the earlier portion of this judgment.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**