

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WA.No. 1028 of 2015 () IN WP(C).9733/2012

AGAINST THE ORDER/JUDGMENT IN WP(C) 9733/2012 of HIGH COURT OF KERALA
DATED 21-01-2015

APPELLANT(S)/THIRD PARTY:

THEVAN N
BOAT LASCAR, LAKE PALACE, THEKKADY
KERALA TOURISM DEVELOPMENT CORPORATION
RESIDING AT KOCHUKUNNEL HOUSE, LAPPAKANDAM
IDUKKI DISTRICT.

BY ADVS.SMT.K.V.BHADRA KUMARI
SMT.ANILA GEORGE
SMT.T.C.MARYKUTTY

RESPONDENT(S)/PETITIONER & RESPONDENTS:

1. KURUVILA JOSEPH
BOAT SYRANG, LAKE PALACE, THEKADY.P.O
IDUKKI.

2. MANAGING DIRECTOR
KERALA TOURISM DEVELOPMENT CORPORATION
MASCOTE SQUARE, THIRUVANANTHAPURAM - 695 033.

3. KERALA TOURISM DEVELOPMENT CORPORATION LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR
CORPORATE OFFICE, MASCOT SQUARE
THIRUVANANTHAPURAM - 695 033.

4. GOVERNMENT OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF TOURISM
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -695 001.

R2 AND R3 BY SC SRI.P.A.AHAMMED
R4 BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL
R1 BY SRI.P.RAVINDRAN (SR.)
BY SMT.APARNA RAJAN.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 22-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A.No. 1028 of 2015

Dated this the 22nd July, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the appellant and the learned counsel appearing for the Kerala Tourism Development Corporation as well as the private respondents.

2. This Writ Appeal has been filed against the judgment dated 21.1.2015 in W.P(C).No.9733 of 2012. The Writ Petition was filed by the first respondent praying for quashing Exhibits P9 and P10 and seeking other reliefs, including issuance of orders promoting the petitioner on the post of Boat Supervisor and declare that the Special Rules have come into operation with effect from 22.6.2010. The Writ Petition was disposed of by the learned Single Judge directing respondents 1 and 2 to

pass formal orders, promoting the petitioner to the post of Boat Supervisor. Aggrieved by the said judgment, the appellant, who was not a party to the Writ Petition, has filed this Writ Appeal with leave of the Court.

3. Learned counsel for the appellant submits that though the appellant was a necessary party, he was not impleaded in the Writ Petition. The appellant is eligible for promotion to the post of Boat Supervisor, but without considering the claim of the appellant, the direction has been issued.

4. Sri.P.Ravindran, learned Senior Counsel appearing for the first respondent submits that the appellant is not in the field of eligibility. It is submitted that according to the Special Rules, which have been made effective from 22.6.2010, the feeder category to the post of Boat Supervisor is Boat Syrangas and Boat Drivers, whereas the appellant is working only on the post of Boat Lascar. The appellant in paragraph 7 of the Writ Petition has stated that the appellant was reverted to the post of Boat Lascar

with effect from 27.5.2010 and the appellant is working as Boat Lascar since then.

5. The appellant being not in the feeder category to the post of Boat Supervisor as per the Special Rules, we are of the view that the appellant was not a necessary party in the Writ Petition, nor can raise any grievance with regard to the direction issued by the learned Single Judge for considering the case of the writ petitioner for promotion on the post of Boat Supervisor. We do not find any merit in the Writ Appeal. The Writ Appeal is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFIQUE
JUDGE**

vgs24/7/15