

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN  
&  
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WA.No. 2053 of 2015 () IN WP(C).26097/2015  
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AGAINST THE JUDGMENT IN WP(C) 26097/2015 of THIS COURT

APPELLANT/PETITIONER:  
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P.Y. JOHNSON, S/O. YOHANNAN, AGED 53 YRS  
WORKING AS ASSISTANT ENGINEER  
WATER SUPPLY SECTION 2  
KERALA WATER AUTHORITY, KOLLAM  
RESIDING AT PLAVILA PUTHENVEEDU  
NEAR SBT, KUNDARA, KOLLAM - 691 501

BY ADV. SRI.JAMES ABRAHAM (VILAYAKATTU)

RESPONDENTS:  
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1. MANAGING DIRECTOR  
KERALA WATER AUTHORITY, JALABHAVAN  
VELLAYAMBALAM, THIRUVANANTHAPURAM - 695 033.
2. P. RAGHAVAN  
ASST. ENGINEER, QUALITY CONTROL OFFICE  
KERALA WATER AUTHORITY, KANNUR,

R BY SRI.GEORGE MATHEW, SC,

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JJ

K. SURENDRA MOHAN & SHAJI P. CHALY, JJ.

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W.A. NO.2053 OF 2015  
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Dated this the 18<sup>th</sup> September, 2015.

### JUDGMENT

Surendra Mohan, J.

The appellant is before us in appeal challenging the judgment of the learned single Judge dated 10.9.2015 in WPC 26097/2015. The contention of the counsel for the appellant is that, the appellant who had joined service as a Draftsman Gr.II on 14.12.1988 was promoted as a Draftsman Gr.I on 14.11.1995 with retrospective effect from 6.9.1994. According to him, he has acquired a B.Tech degree in the year 1999. Disputes regarding seniority in the cadre of draftsman involving direct recruits and promotees had been the subject matter of O.P.879/2002 before this Court. Though the said writ petition was allowed, the judgment was set aside in W.A.151/2009 for the reason that, all the affected parties had not been heard before passing the judgment of the learned Single Judge.

Therefore, the matter was remanded to the learned Single Judge for fresh disposal. The aggrieved parties had unsuccessfully filed a review petition in the matter. Thereafter, a Special Leave Petition had been filed before the Supreme Court. As per Ext.P1 interim order, the Supreme Court has directed the status quo to be maintained. The contention of the appellant is that, the second respondent has been promoted as an Assistant Executive Engineer in violation of the interim order of status quo.

2. Adv.George Mathew appears for the first respondent. Adv.P.C.Sasidharan appears for the second respondent.

3. According to the learned counsel for the second respondent the appellant was promoted as an Assistant Engineer on 21.12.2015. Therefore, he has not completed his probation and is not entitled to promotion as an Assistant Executive Engineer. The second respondent is a person who was promoted as an Assistant Engineer on

31.5.2005. Therefore, the Departmental Promotion Committee considered him for promotion to the post of Assistant Executive Engineer. He was included in a select list that has been published, which is Ext.R2(f) dated 13.8.2015. The second respondent is serial No:2 in Ext.R2(f). Since the matter is pending consideration of the Supreme Court, the learned Single Judge has made it clear that, the promotions made during the pendency of the SLP that is pending before the Supreme Court would be without prejudice to the claim of the appellant. It is pointed out by the counsel for the second respondent that the second respondent has subsequently been promoted as an Assistant Executive Engineer on 15.9.2015.

4. Since the learned Single Judge has taken care to protect the interests of the appellant by providing that his claim would not be affected by the promotions made, we do not find any grounds to interfere with the judgment under appeal. We are not satisfied that the interim order Ext.P1

W.A. NO.2053 OF 2015

interdicts the making of all promotions within the Kerala Water Authority.

For the above reasons, this writ appeal is dismissed.

Sd/-  
K. SURENDRA MOHAN  
Judge

Sd/-  
SHAJI P.CHALY  
Judge

jj

/True copy/

