

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 4346 of 2009 (P)

PETITIONER(S):

K.M.MEERAN
PUBLIC HEALTH SUB DIVISION, KERALA WATER AUTHORITY
KOTHAMANGALAM.

BY ADVS.SRI.B.GOPAKUMAR
SMT.CHINCY GOPAKUMAR

RESPONDENT(S):

1. KERALA WATER AUTHORITY
MANAGING DIRECTOR, JALABHAVAN, VELLAYAMBALAM
THIRUVANANTHAPURAM.
2. THE CHIEF ENGINEER,(SOUTHERN REGION)
KERALA WATER AUTHORITY, JALABHAVAN, VELLAYAMBALAM
THIRUVANANTHAPURAM.
3. THE SUPERINTENDING ENGINEER,
P.H CIRCLE, KERALA WATER AUTHORITY, MUVATTUPUZHA.
4. STATE OF KERALA REP.BY ITS SECRETARY,
TO WATER RESOURCES (WATER SUPPLY-B)
DEPARTMENT GOVT.OF KERALA, SECRETARAIT
THIRUVANANTHAPURAM.

R1-R3 BY ADV. SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY
R4 BY ADV. GOVERNMENT PLEADER SRI S JAMAL
R BY SRI.J.KRISHNA KUMAR, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 4346 of 2009 (P)

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: TRUE COPY OF THE LETTER NO. PHC/M/E1-95/96 DT 8.3.2001

EXT.P2: TRUE COPY OF THE REPRESENTATION DT 11.04.2005

EXT.P3: TRUE COPY OF THE LETTER NO. KWA/CE/CR/KOCHI/E2/3221/2001 DT 15.04.2005

EXT.P4: TRUE COPY OF THE JUDGMENT IN WPC NO. 30474/2008C DT 29.10.2008

EXT.P5; TRUE COPY OF THE ORDER IN G.O(RT) NO.508/08/WRD DT 20.05.2008

EXT.P6: TRUE COPY OF THE LETTER NO. KWA/JB/E3 13446/08 DT 5..12.2008

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 4346 of 2009

Dated this the 09th day of September, 2015

J U D G M E N T

The petitioner claims regularisation on the basis of his appointment with effect from 22.05.1990.

The Government has filed a counter affidavit in which it has been stated that though the petitioner had the required academic qualification for the post of Operator, he could not satisfy the age stipulations. NMR hands who were appointed with effect from 22.05.1990 was regularised vide order G.O(S) No.79/99/lrd dated 30.10.1999 with effect from 22.05.1995 and with effect from 21.10.2005 vide Government Order G.O (MS) No.53/05/WRD dated 21.10.2005. The petitioner however, was not on duty on 22.05.1995 and the person who was not in service could not be absorbed to the regular staff.

2. The petitioner admittedly was on leave between 01.04.1994 to 31.03.1999. The petitioner hence has not completed

five years NMR service on 22.05.1995, on the date of regularisation and he was not entitled to be absorbed in the regular establishment along with other persons who were absorbed.

In such circumstance, the writ petition is devoid of merit and the same would stand dismissed. No costs.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

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P.A to Judge