

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 96 of 2015 (J)

PETITIONER:

**R.MURALEEDHARAN PILLAI AGED 52 YEARS
WATCHER 0465, OIL PALM INDIA LTD, YEROOR ESTATE
'A' DIVISION, BHARATHIPURAM P.O, ANCHAL
KOLLAM 691 330.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
DEPARTMENT OF AGRICULTURE, SECRETARIAT
THIRUVANANTHAPURAM 695 001.**
- 2. OIL PALM INDIA LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR, KODIMATHA
KOTTAYAM SOUTH P.O, KOTTAYAM 686 013.**
- 3. THE MANAGING DIRECTOR
OIL PALM INDIA LTD, KODIMATHA, KOTTAYAM SOUTH P.O
KOTTAYAM 686 013.**
- 4. THE SENIOR MANAGER (HRD)
OIL PALM INDIA LTD, KODIMATHA, KOTTAYAM SOUTH P.O
KOTTAYAM 686 013.**

**R2-R4 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS**

R1 BY GOVERNMENT PLEADER SMT.M.J. RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-09-2015,
ALONG WITH WPC. 12696/2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE APPOINTMENT ORDER DATED 23.3.01.**
- EXHIBIT P2. COPY OF THE ORDER DATED 30.10.06.**
- EXHIBIT P3. COPY OF THE NOTICE DATED 31.10.06.**
- EXHIBIT P4. COPY OF THE LETTER DATED 20.03.07**
- EXHIBIT P5. COPY OF THE NOTICE DATED 11.6.2009 ISSUED BY THE 3RD RESPONDENT.**
- EXHIBIT P6. COPY OF THE APPOINTMENT ORDER DATED 30.06.10.**
- EXHIBIT P7. COPY OF THE ORDER DATED 2.7.10 ISSUED BY THE SENIOR MANAGER (ESTATES) OIL PALM LTD, YEROOR ESTATE.**
- EXHIBIT P8. COPY OF THE JUDGMENT DATED 1.7.14 IN WPC 27401/13.**
- EXHIBIT P9. COPY OF THE NOTICE DATED 13.06.13.**
- EXHIBIT P10. COPY OF THE RELEVANT PAGES OF THE RECRUITMENT AND PROMOTION RULES AS AMENDED IN THE YEAR 2005.**
- EXHIBIT P11. COPY OF THE RELEVANT PAGES OF THE SSLC BOOK (DUPLICATE) OF THE PETITIONER.**
- EXHIBIT P12. COPY OF THE LETTER DATED 23.12.14.**
- EXHIBIT P13. COPY OF THE DRAFT SENIORITY LIST OF OFFICERS CONSIDERED FOR PROMOTION TO THE POST OF FIELD SUPERVISOR.**

RESPONDENTS' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P.(C) Nos. 96 & 12696 of 2015 (J)

Dated this the 30th day of September, 2015

J U D G M E N T

The issue raised in both the writ petitions is with respect to the promotion of staff category and worker category employees to the post of Field Supervisors under the 2nd respondent, arrayed so in both the writ petitions.

2. When the selection was proceeded with, the petitioner in W.P.(C) No.96/2015 approached this Court apprehending that he may not be considered. The apprehension was on account of the fact that he was continued in the post of Watchers/Messengers on the strength of an Interim Order in W.A. No.203/2012.

3. The petitioner, who was a General Worker, was promoted as Messenger/Watcher and then reverted to the post of General Worker and again promoted to the post of Messenger/Watcher. The second promotion was the subject matter of the writ petition which was allowed, against which

a Writ Appeal is filed. The Interim Order, aforementioned, permits the petitioner in W.P.(C) No.96/2015 to be continued in the post of Messengers/Watchers.

4. The petitioners in W.P.(C) No.12696/2015 are persons who are confirmed and continuing in the post of Messengers/Watchers for many years and who also aspire to the promotion post of Field Supervisor. They too have been called for the interview. As per the Service Rules applicable to the 2nd respondent, as produced at Ext.P1, 50% of the vacancies in the Field Supervisor's post are filled up from Messengers/Watchers and the balance 50% from the worker category. The petitioners in W.P.(C) No.12696/2015 seek their appointment, which stands interdicted by an interim order in W.P.(C) No.96/2015. The interim order permitted the continuance of the selection process, but, however, the final appointment to be only after obtaining orders from this Court.

5. The petitioner in W.P.(C) No.96/2015, if at all promoted to the post of Field Supervisor, could only be continued on the basis of the final order to be passed in the above Writ Appeal. Hence, as of now, since there is an Interim Order in the appeal, the petitioner in W.P.(C) No.96/2015 has to be considered for the promotion, the selection process of which is said to be over. In W.P.(C) No.12696/2015 the petitioners are aggrieved insofar as the worker category, if promoted to the post of Field Supervisor, prior to the Messengers/Watchers, would stand to lose their seniority.

6. The 2nd respondent Company has categorically stated in the counter affidavit that the Messengers/Watchers have seniority over the workers. Hence, it is only proper that the 2nd respondent Company finalise the selection process and issue appointment orders to those selected, in both the categories, ensuring the seniority as is applicable to both categories. The same shall

be done expeditiously. It is made clear that the promotion of the petitioner in W.P.(C) No.96/2015, if at all made, shall depend upon the outcome of the Writ Appeal.

Both the Writ Petitions are disposed of. No costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE