

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).No. 4536 of 2012 (N)

PETITIONER(S) :

1. PREMAVALLY K.K., AGED 60 YEARS,
W/O.PRASANNAN, THEKKEKUNNATH HOUSE, PARAYAKKAD P.O.
NALUKULANGARA, THURAVOOR.

2. MARY B.C., AGED 60 YEARS,
W/O.K.T.JOSEPH, KANDANGAMPARAMBIL HOUSE,
KANNAMALI P.O., KOCHI-8.

3. MARIAMMA.V.V., AGED 60 YEARS,
VALLATHIPARAMBIL HOUSE, KANNAMALI P.O.

BY ADVS.SRI.A.X.VARGHESE
SRI.A.V.JOJO

RESPONDENT(S) :

1. UNION OF INDIA,
MINISTRY OF WOMEN AND CHILD DEVELOPMENT,
REPRESENTED BY ITS SECRETARY, SASTRI BHAVAN,
NEW DELHI-110001.

2. STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO
GOVERNMENT, SOCIAL WELFARE DEPARTMENT, SECRETARIAT,
TRIVANDRUM-695001.

3. THE DIRECTOR OF SOCIAL WELFARE,
DIRECTORATE OF SOCIAL WELFARE, VIKAS BHAVAN,
TRIVANDRUM- 695001.

4. THE CHIEF EXECUTIVE OFFICER,
KERALA ANGANWADI WORKERS & HELPERS WELFARE FUND,
VIKAS BHAVAN, THIRUVANANTHAPURAM-695001.

5. THE CHILD DEVELOPMENT PROGRAMME OFFICER,
CHILD DEVELOPMENT PROGRAMME OFFICE, PALLURUTHY,
KOCHI-682006.

(...2)

WP(C) .No. 4536 of 2012 (N) (2)

R1 BY ADV. SRI.P.PARAMESWARAN NAIR,ASG OF INDIA
R5 BY GOVERNMENT PLEADER SRI.V.K.RAFEEK
R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT-P1. TRUE COPY OF THE G.O. (MS) NO.31/2009/SWD DATED 7/8/2009.
- EXHIBIT-P2. TRUE COPY OF THE JUDGMENT DATED 26/7/2010 IN W.P. (C) 23532/2009 OF THIS COURT.
- EXHIBIT-P3. TRUE COPY OF THE INTERIM ORDER DATED 29/9/2010 IN W.A.1528/2010 OF THIS COURT.
- EXHIBIT-P4. TRUE COPY OF THE INTERIM ORDER DATED 29/4/2011 IN W.P. (C) 12745/2011 OF THIS COURT.
- EXHIBIT-P5. TRUE COPY OF THE INTERIM ORDER DATED 20/6/2011 IN W.P. (C) 16426/2011.

RESPONDENTS' EXHIBITS : NIL

OKB

True copy

P.A. to Judge

K.HARILAL, J.

W.P.(C) No.4536 of 2012

Dated this the 9th day of November, 2015.

JUDGMENT

The petitioners are Anganvadi Workers/Helpers, working at Anganvadi Centre No.49, 38 and 34 respectively in Chellanam Panchayat. While so, the Government had issued Ext.P1 G.O.(M.S) No.31/2009 dated 7.8.2009 introducing a scheme as part of the already introduced fund and prescribed upper age limit of retirement as 60 years. Aggrieved by Ext.P1 order, several Anganvadi Workers/Helpers approached this Court challenging Ext.P1 order and by Ext.P2 judgment this Court dismissed the challenge against Ext.P1 order. Challenging Ext.P2 judgment, writ appeal was filed before this Court on 29.9.2010 and a division Bench of this Court prohibited the respondents from making provisional selection to the post of Anganvadi Workers/Helpers and directed the respondents to speed up regular selection process for

the preparation of list of candidates for appointment to vacancies in the normal selection process. The due date of the petitioners' retirement is 30.4.2012. According to the petitioners, the respondents did not prepare the list of candidates for regular appointment in the normal selection process. So, they are entitled to get the benefit of Ext.P3 interim order passed by this Court in the writ appeal. The grievance of the petitioners is that though they have requested the 5th respondent to allow the benefit, the said request was not considered by the 5th respondent.

2. The learned Government Pleader submits that after filing this writ petition, the Government vide G.O.(M.S) No.33/2012/SWD dated 31.5.2012 extended the retirement age of the Anganvadi Workers/Helpers to 62 years from 60 years. This writ petition was filed on 22.2.2012 and under the said order they got extension till they attained the age of 62 years and they retired on 31.7.2014 only as per G.O.(M.S) No.33/2012/SWD dated 31.5.2012. Thus, the relief sought for in this writ petition has become infructuous.

3. Having gone through the G.O.(M.S) No.33/2012/SWD dated 31.3.2012 it is seen that, considering the grievance of the Anganvadi Workers/Helpers, the Government was pleased to extend the retirement age from 60 years to 62 years. Further, it is seen that they enjoyed the benefit of the said order and they retired on 31.7.2014 only. In the above view of the matter, I accept the contention raised by the learned Government Pleader and it is found that the relief sought for in this writ petition has become infructuous. Hence, this writ petition is dismissed.

Sd/-
K. HARILAL, JUDGE

okb.