

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 861 of 2015 (G)

PETITIONER(S):

1. SAJIMON M.C., AGED 37 YEARS,
S/O.CHACKO, MOOKKILIKKATTU, PARAPPU,
Ayyappancovil P.O., IDUKKI, PIN: 685 507.
2. TIJO ANTONY, AGED 26 YEARS,
OVELIL, BATHEL P.O., IDUKKI - 685 514.
3. REMYA N.R., AGED 27 YEARS,
NEDUMPALLIL, VALIYATHOVALA P.O., IDUKKI.
4. INDHUKUMARI T.K., AGED 28 YEARS,
THENGUMTHANATHU, VANDIPERIYAR P.O., 62ND MILE,
IDUKKI, PIN: 685 533.
5. AATHIRA C.S., AGED 27 YEARS,
CHERUKUNNATHU, KRARIYELY, KOMBANADU P.O.,
PERUMBAVOOR - 683 546.
6. VINEETH K.G., AGED 30 YEARS,
KOONAMVENGAYIL, CHELLARKOVIL P.O., MYLADUMPARA,
PIN: 685 512.
7. LIJIYA JOSEPH, AGED 29 YEARS,
PERALUNKAL, VELLAYAMKUDY P.O., KATTAPPANA -685 515.
8. MANJU SHENKUMAR, AGED 36 YEARS,
CHITTANIPARAYIL, LABBAKKADA, THOPPIPALA P.O.,
PIN: 685 511.
9. NISHA V.ANTONY,
THETTAYIL, THODUPUZHA, THODUPUZHA P.O.,
IDUKKI.
10. KURIAKOSE T.C., AGED 38 YEARS,
THEKKEL, KALLAR P.O., BLOCK NO.47,
MUNDIYERUMA, IDUKKI - 685 552.
11. ANAND JOSEPH, AGED 37 YEARS,
ARACKAL, NEDUMKANDAM P.O., NEDUMKANDAM,
PIN:685 533.
12. ANU A V., AGED 31 YEARS,
AMPAZHATINAL, MURIKKASSERY P.O., PIN: 685 604
MURIKKASSERY.
13. JYOTHIS S., AGED 32 YEARS,
ANDUKUNNEL, EATTITHOPPU P.O., PIN: 685 514.

Msv/

14. TIGI DOMNIC, AGED 29 YEARS,
VALLANAMATTOM, KEERITHODU P.O., PUNNAYAR.
15. SHALINI J., AGED 31 YEARS,
SASTHAMTHUNDIYIL, KOMPAYAR P.O., KOMPAYAR,
PIN: 685 552.
16. SOUMYA THOMAS, AGED 30 YEARS,
MUTHOLIL KANCHIYAR P.O., PALLIKAVALA.
17. REKHA DAS, AGED 25 YEARS,
KALLIKKATTU HOUSE, KEERITHODU P.O., IDUKKI DISTRICT.
18. ABRAHAM M.C.,
MADAPPALLIYIL HOUSE, VELLAYAMKUDI P.O., IDUKKI
19. FOUSIA K.YUSUF, AGED 32 YEARS,
PUTHUPARAMBIL HOUSE, KUMILY P.O., IDUKKI.
20. SIBI JOSEPH, AGED 33 YEARS,
MALAMACKAL, MURINJAPUZHA P.O., CHERUVALLIKULAM.
21. ANITHA GEORGE, AGED 32 YEARS,
PLAMOOTTIL HOUSE, ANAKKARA, IDUKKI.
22. RESMY RAJU, AGED 26 YEARS,
ETHALIL HOUSE, MANAKUVA P.O., THELLITHODE,
IDUKKI.
23. REJANEESH K.JOHN, AGED 33 YEARS,
REJANEESH BHAVAN, ROSAPOOKANDAM, KUMILY.
24. BINCY K.S., AGED 36 YEARS,
KALLOLICKAL HOUSE, MUCKUDAM P.O., KAMBILIKANDAM
IDUKKI.
25. BIJITH M.BHASKER, AGED 29 YEARS,
MATTEPLACKAL HOUSE, KARIPPALANGADU P.O., IDUKKI.
26. JULU A., AGED 28 YEARS,
MADHUVILASAM, KAILASAPARA, NEDUNKANDAM IDUKKI.
27. AMALU THOMAS,
VALLUMMEL, KADAMAKUZHY P.O., VALLAKKADAVU.
28. JINS VARGHESE,
MADAMKUNNEL HOUSE, MULAKKARAMEDU P.O., KATTAPPANA,
IDUKKI.

BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.S.PRAVEEN
SRI.K.K.AKHIL
SRI.T.R.KANNAN

WP(C).No. 861 of 2015 (G)

RESPONDENT(S):

1. GOVERNMENT OF KERALA,
REPRESENTED BY SECRETARY,
GENERAL EDUCATION (U) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN: 695 001.
2. THE DIRECTOR,
HIGHER SECONDARY EDUCATION
DIRECTORATE OF HIGHER SECONDARY EDUCATION
THIRUVANANTHAPURAM, PIN: 695 001.
3. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION, ERNAKULAM, PIN: 682 030.
4. THE PRINCIPAL, GOVERNMENT HIGHER SECONDARY SCHOOL,
ANAKKARA, IDUKKI DISTRICT, PIN: 685 512.
5. THE PRINCIPAL,
NEHRU MEMORIAL PANCHAYAT HIGHER SECONDARY SCHOOL,
PATTADI, IDUKKI DISTRICT, PIN: 685 603.
6. THE PRINCIPAL,
GOVERNMENT HIGHER SECONDARY SCHOOL, KATTAPPANA,
IDUKKI DISTRICT- 685 508.
7. THE PRINCIPAL,
GOVERNMENT HIGHER SECONDARY SCHOOL, KALLAR,
IDUKKI DISTRICT.
8. THE PRINCIPAL,
GOVERNMENT HIGHER SECONDARY SCHOOL, PANICKANKUDY,
IDUKKI DISTRICT, PIN: 685 571.
9. THE PRINCIPAL,
GOVERNMENT HIGHER SECONDARY SCHOOL, VANDIPERIYAR,
IDUKKI DISTRICT, PIN: 685 533.
10. THE PRINCIPAL,
N.S.P.HIGHER SECONDARY SCHOOL, PUTTADI, IDUKKI,
PIN: 685 603.

R1 TO R9 BY SENIOR GOVERNMENT PLEADER SRI.M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 861 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE EXPERIENCE CERTIFICATE OF THE 1ST PETITIONER.

**EXT.P2: TRUE COPY OF THE COMMUNICATION DATED 20/11/12 ISSUED BY THE
1ST RESPONDENT.**

**EXT.P3: TRUE COPY OF THE COMMUNICATION DTED 2/12/2013 ISSUED BY THE
2ND RESPONDENT.**

**EXT.P4: TURE COPY OF THE ORDER NO.HRMP.312/13 DATED 10/6/2013 OF THE
HUMAN RIGHT COMMISSION.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.861 of 2015

Dated this the 10th day of March, 2015

JUDGMENT

The petitioners are Higher Secondary School Teachers worked as Guest Lecturers in various Government Higher Secondary Schools in Idukki District. They have approached this Court on account of the delay in disbursing the amount due to them.

2. The petitioners were engaged on daily wages. The Director of Higher Secondary Education has also recommended the matter to the Government by Ext.P3.

3. Now, it is pointed out by the learned Government Pleader that this matter is now pending before the Government for budgetary allocation. The Kerala State Human Rights Commission also have recommended the petitioners' case for daily wages due to them.

4. The learned Government Pleader, on instructions, submits that as and when the Government allocates necessary funds, petitioners will be paid the amount.

5. I am of the view that if the Government is benefited from the service of the petitioners, their right to obtain wages is not depend upon the budgetary allocation of funds. The right of the petitioners cannot be disputed. In view of the above, the following directions are issued:-

(i) 50% of the amount due to the petitioners shall be paid within six weeks from the date of receipt of a copy of this judgment.

(ii) The balance amount shall be disbursed within a further period of three months.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE.

//true copy//

P.S. to Judge

st/-