

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(C).No. 8301 of 2007 (L)

PETITIONER(S):

1. C.SUBRAMANIAN, PERINGOTTU HOUSE,
KADAVANKODE, THATHAMANGALAM P.O., PALAKKAD.
2. V.RAJENDRAN, ELISSERRY, THEKKE DESOM,
NALLEPPILLY, PALAKKAD.
3. CHANDRAN.C.
PEELIYODE, PATTANCHERI P.O., PALAKKAD.
(PETITIONERS ARE WORKING PUMP OPERATOR NALLEPPILLY GRAMA
PANCHAYATH, NELLEPPILLY, PALAKKAD.)

**BY ADVS.SRI.H.BADARUDDIN
SRI.M.A.SHIHAB**

RESPONDENT(S):

1. THE MANAGING DIRECTOR,
KERALA WATER AUTHORITY, THIRUVANANTHAPURAM.
2. THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, PH DIVISION, PALAKKAD.
3. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, PH SUB DIVISION, CHITTUR.
4. NALLEPPILLY GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, NALLEPPILLY, PALAKKAD.
5. THE ZILLA SAINIK WELFARE OFFICER,
ZILLA SAINIK WELFARE BOARD, PALAKKAD.

**R1-R3 BY ADV. SRI.GEORGE MATHEW, SC,
R4 BY ADV. SRI.SAJAN VARGHEESE K.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1,P1(A),P1(B): COPY OF THE MEMO ISSUED BY THE R3 TO THE PETITIONERS
DATED 4/3/2002**
- P2: COPY OF THE LETTER NO.5353/2003/DP/SPB DATED 19/7/2003**
- P3: COPY OF THE G.O(RT)NO.1181/04/PWD PUBLIC WORKS (H) DEPARTMENT
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM DT.24.11.04**
- P4: COPY OF THE JUDGMENT IN WA.3456/01 OF HON'BLE HIGH COURT 8/10/01**
- P5: COPY OF THE INTERIM ORDER DATED 8/3/02 CMP.11706/02 IN OP.6639/02 M**
- P6&P6(A): COPY OF THE JUDGMENT IN OP.14915/02(A) DT.23/6/06 AND INTERIM
ORDER IN CMP.25215/02 IN OP.14915/02 A DT.6/6/02.**
- P7: COPY OF THE CITATION MANOJ K.R. VS KERALA STATE BEVERAGES
CORPORATION AND OTHERS ILR 2006(4) KERALA 285**
- P8(A)&P8(B): COPY OF THE REPRESENTATION BEFORE THE PANCHAYATH FOR
DISBURSING THE SALARY ARREARS VIDE THEIR LETTER DATED 14/8/06**

RESPONDENTS' EXHIBITS

- R4(A): COPY OF THE PROCEEDINGS OF THE MANAGING DIRECTOR DATED 30/3/02**
- R4(B): COPY OF THE DECISION NO.14(1) TAKEN BY THE RESPONDENT NO.4
PANCHAYAT.**
- R4(C): COPY OF THE DECISION NO.19(1) DATED 28//2/09 TAKEN BY THE
RESPONDENT NO.4**

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. SURENDRA MOHAN,J.

W.P(C) NO. 8301 OF 2007

Dated this the 27th January, 2015.

JUDGMENT

The petitioners have filed this writ petition contending that they are employees of the first respondent. According to them, they are working as Pump Operators, since nine years prior to the date of filing of the writ petition. While so, from 1.6.2002 onwards they have been working under the fourth respondent. This was for the reason that, the rural water supply scheme is being implemented by the fourth respondent. The petitioners were also employed as part of the rural water supply scheme. The fourth respondent is paying them only at the rate of Rs.50/- per day. Therefore they have filed this writ petition seeking arrears of salary and other benefits.

2. The counsel for the Water Authority submits that, the

petitioners were not regular employees of the first respondent. They had only been engaged on daily wages as Pump Operators for implementing the rural water supply scheme. The implementation of the scheme has subsequently been handed over to the fourth respondent. It is for the said reason that the petitioners are paid by the said respondent.

3. A counter affidavit has been filed by the fourth respondent. According to Adv.Sajan Varghese, the fourth respondent has been entrusted with the responsibility of implementing the rural water supply scheme but no employees have been transferred to the Panchayat. The pump operators are Ex-service men. Their services are being engaged on a daily wages of Rs.50/-, as evident from Ext.R4(b). As per Ext.R4(c) the wages have also been enhanced. The payment is made by local committees of beneficiaries formed for implementation of the rural water supply scheme. The petitioners are not employees of the fourth respondent also. The fourth respondent was entrusted with the implementation

of rural water supply scheme as per Ext.R4(a). The said G.O does not even refer to the services of the pump operators.

4. Heard. Since the petitioners are admittedly daily rated employees they cannot claim to be employees of the first respondent. They also cannot claim to be employees of the fourth respondent for the reason that, the Panchayat is only the implementing agency. Payments to pump operators are being made by local committees of beneficiaries formed by the Panchayat for the purpose. For the above reasons I do not find any grounds to grant any of the reliefs sought for in this writ petition. The writ petition fails and is accordingly dismissed.

Sd/-
K. SURENDRA MOHAN
Judge

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/True copy/

