

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

O.P.No.28747 of 2000 (V)

PETITIONER(S):-

1. C.RAGHAVAN, AGED 55 YEARS, SECURITY GUARD,
GENERAL HOSPITAL, THALASSERY.
2. K.K.NARAYANAN, AGED 50 YEARS,
SECURITY GUARD, GENERAL HOSPITAL, THALASSERY.
3. M.RAGHAVAN, AGED 55 YEARS,
SECURITY GUARD, DO. DO.
4. T. LAKSHMANAN, AGED 51 YEARS,
SECURITY GUARD, DO. DO.

BY ADVS.SRI.G.FANY PALLAN
SRI.SAIGI JACOB PALATTY.

RESPONDENT(S):-

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE (M. DEPARTMENT),
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE CHAIRMAN, THE HOSPITAL DEVELOPMENT SOCIETY
OF VARIOUS HOSPITALS IN KANNUR DISTRICT,
COLLECTORATE, KANNUR.
3. THE SUPERINTENDENT, GOVT. HOSPITAL,
THALASSERY, KANNUR DISTRICT.

R1 BY GOVERNMENT PLEADER SRI.T.R.RAJESH.
R3 BY ADV. SRI.PRAVEEN KUMAR.K.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON
08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

O.P.NO.28747 OF 2000-V

APPENDIX

PETITIONER'S EXHIBITS:-

- | | |
|-----------|---|
| EXT.P1 | TRUE PHOTO COPY OF THE G.O.(P) 1187/99/FIN
DATED 29.03.1999. |
| EXT.P2 | TRUE PHOTO COPY OF THE LETTER NO.28562/M3/99/H&FWD
DATED 20.7.99. |
| EXT.P3 | TRUE PHOTO COPY OF THE REPRESENTATION DATED
28.08.2000 BY 2ND PETITIONER. |
| EXT.P3(a) | TRUE PHOTO COPY OF THE REPRESENTATION BY 3RD
PETITIONER. |
| EXT.P3(b) | TRUE PHOTO COPY OF THE REPRESENTATION BY
4TH PETITIONER. |
| EXT.P3(c) | TRUE PHOTO COPY OF THE REPRESENTATION BY
1ST PETITIONER. |
| EXT.P4 | TRUE PHOTO COPY OF THE ORDER IN C.M.P.NO.459/2000
IN O.P.284/2000 DATED 14.3.2000 OF HIGH COURT OF KERALA. |

RESPONDENT'S EXHIBITS:-

vku/-

[true copy]

K. Vinod Chandran, J

O.P.No.28747 of 2000-V

Dated this the 08th day of September, 2015

JUDGMENT

The petitioners, who were Ex-servicemen and were appointed as Security Guard under the Hospital Development Society, General Hospital, Thalasserry; sought implementation of Exhibit P1 Government Order.

2. The Superintendent of the Government Hospital, respondent No.3, has filed a counter affidavit in which it has been specifically stated that the Hospital Development Society is a necessary party in the above Original Petition. Further it has been averred that the petitioners who were appointed by the Hospital Development Society would not come within the definition of a State Government employee and, hence, Exhibit P1 order cannot be implemented in the case of the petitioners. It is also submitted by the learned Government Pleader that the revision of daily wages as per Exhibit P1 would apply only to such daily wage engagement in sanctioned posts. The

Hospital Development Society, as has been noticed by the 3rd respondent, generates fund by issuance of gate pass and it is from such self-generated fund the wages are paid to the persons employed by the Hospital Development Society.

For all the above reasons, the Original Petition is found to be devoid of merit and the same is dismissed. No costs.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]