

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WP(C).No. 10153 of 2007 (H)

PETITIONER(S):

**SABU K., S/O. K.E.KUNJAN, AGED 41 YRS,
WORKING AS OPERATOR (HIGHER GRADE)
KERALA WATER AUTHORITY, INDUSTRIAL WATER SUPPLY
SECTION, CHOONDY, PUTHENCROUZ.**

BY ADV. SRI.BIJU M.JOHN

RESPONDENT(S):

- 1. MANAGING DIRECTOR,
KERALA WATER AUTHORITY, THIRUVANANTHAPURAM.**
- 2. ASST. EXECUTIVE ENGINEER,
K.W.A. WATER SUPPLY SUB DIVISION, PUTHENCROUZE, CHOONDY
ERNAKULAM.**
- 3. THE ASST. ENGINEER,
KERALA WATER AUTHORITY, INDUSTRIAL WATER SUPPLY
SECTION, CHOONDY, PUTHENCROUZE
ERNAKULAM.**

**R1-R3 BY ADV. SMT.AMBIKA DEVI, SC, KWA
R1-R3 BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- P1 : COPY OF THE REPRESENTATION DATED 25.07.2006 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT
- P2 : COPY OF THE REPRESENTATION DATED 17.01.2007
- P3 : COPY OF HTE JUDGMENT DATED 14.02.2007 IN WPC 2543/2007 OF THIS HONOURABLE COURT
- P4 : COPY OF TH ACKNOWLEDGEMENT CARD DULY SIGNED BY THE 2ND RESPONDENT
- P5 : COPY OF THE ORDER DATED 22.03.2007 PASSED BY THE 3RD RESPONDENT
- P6 : COPY OF THE ORDER DATED 21.03.2007 PASSED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS:

- R2(A) : COPY OF THE ORDER OF THE ASSISTANT EXECUTIVE ENGINEER DATED 28.05.2007

//TRUE COPY//

P.A. TO JUDGE

JV

P.V. ASHA, J.

W.P.(C) No.10153 of 2007

Dated this the 11th day of December, 2015

JUDGMENT

This writ petition was filed challenging Ext.P5 order by which Assistant Engineer, Water Authority had directed the petitioner to attend the duties of Sri T.P.Pradeep Kumar at IWS Raw Water Pump House, Ramamangalam with effect from 24.03.2007 and that, he will avail Sunday as weekly off considering his request until further orders. It was further directed that he may start his duty at 8 am at Industrial Water Supply Intake Headworks Pumphouse, Ramamangalam on 24.03.2007.

2. This Court had passed an interim order on 23.03.2007 staying operation and implementation of Ext.P5 order. Thereafter, another order was passed on 09.04.2007, which reads as follows:

"2. The complaint of the petitioner, who is working as an operator in Choondy, is that he was not being given a Sunday off for a quite number of years while certain other persons are beneficiaries of such

accommodation. He filed an earlier writ petition in which his representation was directed to be disposed of. His request was not for a transfer from Choondy because he was only, essentially, asking for a re-allocation of work so that he could also enjoy a Sunday off. But Exts.P5 and P6 have germinated out of an administrative wisdom shunting him off from Choondy to Ramamangalam in lieu of another person, thereby apparently granting him a Sunday off to be with his elderly mother, rather than his children who are stated to be studying in Choondy. The petitioner is also at present stated to be occupying a quarter in Choondy.

3. In the aforesaid circumstances, there will be an interim direction that the second respondent will reconsider Ext.P6 and place a further decision before this Court on or before the 31st May, 2007."

On the basis of the direction issued in the said interim order, the Assistant Executive Engineer, Water Supply Subdivision, Choondy issued an order on 28.05.2007 which is produced as Ext.R2(a). The above order reads as follows:

"Further to this office order vide No. dt., 21.03.2007 and keeping in view the Judgment of the Hon'ble High Court of Kerala dt., 9th April 2007. It has been decided to give duty off on Sundays to Sri. SABU K. Operator. Hence it is directed to the Asst. Engineer, I.W.S. Maintenance Section to re-allocate duties of operators with a consideration to Sri. SABU K. to avail

Sunday as weekly off. Since other operators also submitted representation for availing Sunday as off duty to them, this re-allocation may be reviewed after a period of three months via granting the benefit of Sunday - as duty off to another operator. This benefit has to be given to all operators under I.W.S. Maintenance Section by reviewing their shifts of duty in every three months. This order has to be implemented with immediate effect."

3. This order was issued as early as on 2007. No further orders are required in this matter at this distance of time. Accordingly, the writ petition is closed recording the above orders.

JV

SD/-
P.V. ASHA
JUDGE