

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 7166 of 2013 (U)

PETITIONER(S):

**JAMEELA SHAMSUDEEN, AGED 52 YEARS,
W/O.SHAMSHUDEEN, HOUSE NO.IV/132B,
KANJIRAKUZHIYIL HOUSE, SHANTI NAGAR, MAROTTICHODU,
EDAPPALLY, ERNAKULAM DISTRICT.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. DISTRICT COLLECTOR,
ERNAKULAM-682 001.**
- 3. THE SECRETARY,
AGRICULTURAL URBAN WHOLESALE MARKET, MARADU-682 001.**

BY SENIOR GOVERNMENT PLEADER SMT.M.J.RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1.TRUE COPY OF THE REPRESENTATION DATED 16/8/2005 SUBMITTED
BEFORE THE SECRETARY, EEC AIDED WHOLESale VEGITABLE MARKET.

EXHIBIT P2.TRUE COPY OF THE ORDER UWM(M) 132/06 DATED 2/4/2012.

EXHIBIT P3.TRUE COPY OF THE LETTER DATED 28/11/2012 ISSUED BY THE
2ND RESPONDENT.

EXHIBIT P4.TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE
2ND RESPONDENT.

EXHIBIT P5.TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE
3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS:

EXT.R3(a): A TRUE COPY OF THE MEMO NO.AUWM O1 A/11 DATED 18.4.2011.

EXT.R3(b): A TRUE COPY OF THE MEMO NO.AUWM O1 A/11 DATED 19.5.2011.

EXT.R3(c): A TRUE COPY OF THE MEMO NO.AUWM O1 A/11 DATED 19.01.2012.

EXT.R3(d): A TRUE COPY OF THE MEMO NO.AUWM O1 A/11 DATED 03.02.2012.

EXT.R3(e): A TRUE COPY OF THE PROCEEDING NO.AUWM(M) 132A061
DATED 02.07.2012.

EXT.R3(f): A TRUE COPY OF THE PROCEEDING NO.AUWM(M) 132A061
DATED 01.08.2012.

EXT.R3(g): A TRUE COPY OF THE PROCEEDING NO.AUWM(M) 132A061
DATED 03.09.2012.

EXT.R3(h): A TRUE COPY OF THE PROCEEDING NO.AUWM(M) 132A061
DATED 02.04.2012.

//TRUE COPY//

P.S.TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.7166 of 2013

Dated this the 7th day of January, 2015

J U D G M E N T

The petitioner was working as a Weigh Bridge Operator on daily wages basis at Agricultural Urban Wholsale Market, Maradu. The petitioner submits that she has been given employment on the basis that her land has been acquired for establishing Agricultural Urban Whole sale Market. The initial appointment of the petitioner was from November 2005 to September, 2012. The petitioner made several requests for the regularisation of her employment. The petitioner was terminated from the service in the above post from October, 2012. The petitioner submits that she is disengaged/terminated only to appoint persons on daily wages by out sourcing the work to a private agency. Aggrieved by the above, the petitioner has approached this Court. The petitioner has submitted a representation as per Ext.P1 before the Secretary, EEC Aided Wholesale Vegetable Market.

2. A counter affidavit has been filed on behalf of the 3rd

respondent in this matter. It is stated in the counter affidavit that the petitioner was engaged in the job on daily wages. The timing for the operation of the weigh bridge was 24 hours. The duty was divided into 3 shifts of 8 hours each. As per the oral instructions of the then District Collector, who was the Chairman of the Executive Committee of the Agricultural Urban Wholesale Market, the petitioner was allowed to work as a casual worker on daily wages of Rs.50/- per day with effect from November 2005. It is also submitted that her engagement was not at all on compassionate grounds as claimed by the petitioner. It is also submitted that the petitioner was very irregular in timings of her duty and was absent during the prime time of 9 am to 10 am when the goods in bulk reach the market in lorries. There were several memos were issued to the petitioner seeking explanation as to her irregular work habits. It is further submitted that the executive committee of the market has now decided to outsource the weighbridge to third parties. Therefore, the petitioner's claim for regularisation of her

employment or otherwise cannot be acceded.

3. The learned counsel for the petitioner submits that Ext.P3 proceedings of the District Collector and submits that the appointment of the petitioner in the Agricultural Wholesale Market is based on the direction of the District Collector and the petitioner is entitled for the regularisation of employment.

4. The fact remains that the weigh bridge is being operated by the third parties based on auction. Therefore, the request of the petitioner cannot be accepted. However it is made clear that in the event of operation of weigh bridge by the 3rd respondent, if any future arising vacancies on account of the operation of weigh bridge by the 3rd respondent directly, the petitioner shall be given an opportunity of re-appointment.

With the above observation, this writ petition is disposed of.

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/