

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 5176 of 2015 (V)

PETITIONER:

N.PATHUMMA, W/O.LATE KASIM, MUNDAKKAL HOUSE,
NEAR PRIVATE BUS STAND, PERUMBAVOOR.P.O.,
(SWEEPER CUM SCAVENGER ON DAILY WAGES AT
K.S.R.T.C.DEPOT, PERUMBAVOOR).

BY ADVS.SRI.T.P.FRADEEP
SRI.P.K.SATHEES KUMAR

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
THE SECRETARY TO THE GOVERNMENT
TRANSPORT(A)DEPARTMENT,
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY THE MANAGING DIRECTOR,
KSRTC, THIRUVANANTHAPURAM - 695 023.
3. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION
THIRUVANANTHAPURAM - 695 023.

R2,R3 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC
BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- | | |
|--------|---|
| EXT.P1 | TRUE COPY OF THE JUDGMENT DATED 29.10.2012 IN W.P(C)25089/2012 |
| EXT.P2 | TRUE COPY OF THE MEMORANDUM DATED 06.02.2013 ISSUED BY THE
3RD RESPONDENT |
| EXT.P3 | TRUE COPY OF THE COMMUNICATION DATED 24.05.2013 ISSUED BY THE
3RD RESPONDENT |
| EXT.P4 | TRUE COPY OF THE ORDER DATED 22.12.2011 OF THE 1ST RESPONDENT |
| EXT.P5 | TRUE COPY OF THE ORDER DATED 26.12.2011 OF THE 3RD RESPONDENT. |

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 10th day of July, 2015

JUDGMENT

Ext.P3 communication concedes the fact that the petitioner has been working on daily wages basis from the year 1985 itself. The petitioner asserts that she has been working as a sweeper cum scavenger on daily wages till date.

2. Ext.P3 communication also refers to a bi-partite settlement dated 22.05.2012 entered into between the Management and the Unions. The petitioner contends that she is entitled to the benefit of clause 49(8) thereof having put in 25 years of casual service as on 28.02.2011.

3. The petitioner is free to submit representation to the second respondent seeking regularisation in service. This can be on the basis of clause 49(8) of the bi-partite agreement dated 22.05.2012 referred to above.

4. Any such representation filed within one month from today shall be dealt with by the second respondent within two months therefrom. The services of the petitioner shall be

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regularised if she has put in 25 years of casual service as on 28.02.2011 as per the terms of the bi-partite agreement.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd