

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT:
THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR
FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(C).No. 7091 of 2015 (J)

PETITIONER(S) :

1. SADANANDAN, AGED 56
S/O.GOPUTTY, KANJILERI, P.O.KANJILERRI
(VIA.)MATTANNUR-670702.
2. VALSAN.T.P.,
THATTANKANDI PARAMBIL, URUVACHAL.P.O.
3. SUMALINI CHIRAMMAL,
'LIDINALAYAM', MANAKAYI, KAYANI.P.O.
4. PADMINI.K.,
KANDUPARACHAL HOUSE,
KARA, KAYANI P.O
5. PADMAVATHI.P.,
PALLIPRAVAN PUTHIYA VEEDU (SITHARA), P.O.URUVACHAL.
6. DEVU.P.P.
PARAKANDI PARAMBIL HOUSE, KANJILERI.P.O., MATTANNUR.

BY ADVS.SRI.P.C.SASIDHARAN
SRI.ARAVINDA KUMAR BABU T.K.

RESPONDENT(S) :

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY
LOCAL SELF GOVERNMENT (E.U) DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DIRECTOR OF URBAN AFFAIRS,
DIRECTORATE OF URBAN AFFAIRS, THIRUVANANTHAPURAM.
3. THE MATTANNUR MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE
MATTANUR-670702, KANNUR DISTRICT.

R3 BY ADV. SRI.V.M.SYAM KUMAR
R3 BY ADV. SMT.KRIPA ELIZABETH MATHEWS
R3 BY ADV. SMT.P.F.ROSY
R3 BY ADV. SMT.DIVYA C.MOHAN
BY GOVERNMENT PLEADER SMT.LOWSY.A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1: TRUE COPY OF THE APPOINTMENT ORDER DATED 25.8.2008 ISSUED BY THE MUNICIPALITY.

P2: TRUR COPY OF THE COMMUNICATION DATED 7.8.2010 BY THE MUNICIPALITY.

P3: TRUE COPY OF THE COMMUNICATION DATED 8.2.2011 BY THE MUNICIPALITY.

P4: TRUE COPY OF THE MUNICIPAL COUNCIL DECISION DATED 15.07.2014.

P5: TRUE COPY OF THE LETTER DATED 12.1.2015 SENT TO THE EMPLOYMENT EXCHANGE ALONG WITH REQUISITION FORM TO THE EMPLOYMENT EXCHANGE.

EXT.P6:TRUE COPY OF THE LETTER OF THE 3RD RESPONDENT ADDRESSED TO THE GOVERNMENT DATED 12.05.2015

EXT.P7: TRUE COPY OF THE ORDER G.O.(P) NO.1302/2015 LSGD DATED 2/5/2015 ISSUED BY THE 1ST RESPONDENT

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.7091 of 2015

.....
Dated this the 21st day of August, 2015

J U D G M E N T

The petitioners, who are working as Casual Labourers, and included in the Casual Labour Roll under the 3rd respondent Municipality, have approached this Court seeking a direction to the respondent Municipality to consider their case for regularisation. They have approached this Court anticipating that after denying their right for regularisation, the respondent Municipality will appoint substitute employees in their place. When the writ petition came up for admission, this Court after hearing counsel for the petitioners , issued notice before admission to the respondents and also passed an interim order staying the operation of Exts.P4 and P5 till the disposal of the writ petition. The said order dated 06.03.2015 continues to be in force even today. When the matter was taken up for orders today, it was submitted by counsel for the petitioners that, the respondent Municipality has since recommended the case of the petitioners to the 1st respondent for regularisation of their service. Under the said circumstances, the limited prayer of the petitioner is for a direction to the 1st respondent to consider and pass orders on Ext.P6 recommendation of the respondent Municipality especially taking into account Ext.P7 order that was passed by the 1st respondent in the

case of Casual Workers of the Thaliparamba Municipality.

2. I have heard the learned counsel for the petitioners and the Standing counsel for the respondent Municipality and the learned Government Pleader for the official respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.P6 recommendation of the respondent Municipality within a period of three months from the date of receipt of a copy of this judgment. While passing orders as directed, the 1st respondent shall afford an opportunity of hearing to the petitioners and also take into account Ext.P7 order that has been passed in respect of Casual Workers of the Thaliparamba Municipality. I also make it clear that, till such time as orders are passed as directed, and communicated to the petitioners, the interim order passed by this Court in the writ petition shall continue to be in force. The petitioner shall produce a copy of the writ petition along with a copy of this judgment before the 1st respondent for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

