

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 7706 of 2015 (K)

PETITIONER(S):

**H PRADEEP, AGED 46 YEARS
S/O.HARINDRANATH, PADAKASSERIL, KARIYATTUVAYIL
WESTHILL P.O., KOZHIKKODE.**

**BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA**

RESPONDENT(S)/RESPONDENTS:-:

- 1. CHAIRMAN,
CYBER PARK, KOZHIKKODE
(A GOVERNMENT OF KERALA UNDERTAKING), 28/1650D
PARK CENTRE, KSITIL, SPECIAL ECONOMIC ZONE
NELLIKKODE P.O. - 673 016.**
- 2. CYBER PARK,
KOZHIKKODE
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
(A GOVERNMENT OF KERALA UNDERTAKING), 28/1650D
PARK CENTRE, KSITIL, SPECIAL ECONOMIC ZONE
NELLIKKODE P.O. - 673 016.**
- 3. CHIEF EXECUTIVE OFFICER,
CYBER PARK, KOZHIKKODE
(A GOVERNMENT OF KERALA UNDERTAKING), 28/1650D
PARK CENTRE, KSITIL, SPECIAL ECONOMIC ZONE
NELLIKKODE P.O. - 673 016.**

**R3 BY ADV.SRI.K.A.ABDUL SALAM
R3 BY ADV.SRI.SUNIL V.MOHAMMED
R BY SRI.K.A.ABDUL SALAM, SC, CYBER PARK, KOZHIKKODE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE APPOINTMENT ORDER OF PETITIONER DATED 23.06.2010.

EXHIBIT P2. TRUE COPY OF THE LETTER OF THE PETITIONER DATED 01.07.2010.

EXHIBIT P3. TRUE COPY OF THE RELEVANT PORTIONS OF RULES AND REGULATIONS OF CYBER PARK KOZHIKKODE.

EXHIBIT P4. TRUE COPY OF THE BYELAWS OF THE RELEVANT PORTION OF CYBER PARK KOZHIKKODE.

EXHIBIT P5. TRUE COPY OF THE TRANSFER ORDER DATED 21.05.2012.

EXHIBIT P6. TRUE COPY OF THE DECISION OF BOARD OF DIRECTORS DATED 17.09.2012.

EXHIBIT P7. TRUE COPY OF JUDGMENT IN WANO.768/2014 DATED 29.05.2013.

EXHIBIT P8. TRUE COPY OF THE LETTER DATED 10.06.2013 OF THE 2ND RESPONDENT.

EXHIBIT P9. TRUE COPY OF THE LETTER DATED 22.06.2013 FILED BY THE PETITIONER.

EXHIBIT P10. TRUE COPY OF THE REMINDER EMAIL DATED 07.08.2014.

EXHIBIT P11. TRUE COPY OF THE MEDICAL REIMBURSEMENT FORM DATED 22.06.2013.

EXHIBIT P12. TRUE COPY OF THE INTERNET NOTIFICATION PUBLISHED IN THE OFFICIAL WEBSITE OF CYBER PARK KOZHIKKODE.

EXHIBIT P13. TRUE COPY OF LETTER DATED 05.02.2015 FILED BY THE PETITIONER.

EXHIBIT P14. TRUE COPY OF THE NOTIFICATION DATED 17.04.2010.

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.7706 OF 2015 (K)

Dated this the 3rd day of July, 2015

J U D G M E N T

The petitioner, who was appointed as a Project Manager (Technical) under the respondent Cyber Park, preferred the writ petition challenging the action of the respondents in denying the petitioner work when he was already appointed as Project Manger (Technical) on contract basis for a term that was to expire on 1.7.2015. The averments in the writ petition suggest that the petitioner was not served with any order terminating his services under the respondent Cyber park. It is on the basis of the said averments that the petitioner has prayed for a relief for quashing Ext.P12 notification, which was one issued inviting candidates for appointment to the post which the petitioner was holding under the contract with the respondent Cyber Park.

2. In a statement filed on behalf of the respondents, Annexure - 2 letter dated 4.3.2013 is produced, which shows that the petitioner's services were terminated as early as in 2013. It is also stated that the said termination letter was duly communicated to the

petitioner and that the petitioner cannot deny receipt of the same.

3. I have heard the learned counsel for the petitioner as also the learned Standing counsel for the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and also taking note of the fact that the prayers in the writ petition were sought on the premise that the services of the petitioner had not been terminated by the respondents, and the counter affidavit of the respondents clearly indicates that there was a termination letter that was served on the petitioner, I feel that if the petitioner is aggrieved by the termination letter, then, it is for the petitioner to take appropriate remedies against the said termination letter. The prayers in the writ petition, in the absence of a challenge to the termination letter, cannot be granted. Resultantly, the writ petition fails, and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp