

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(C).No. 12549 of 2010 (P)

PETITIONER:

**K.K.SREENIVASAN, AGED 59 YEARS
EXECUTIVE OFFICER, MALABAR DEVASWOM BOARD
S/O.LATE K.T.GOVINDAN NAMBIAR, SAI NIVAS, KOLOLAM
P.O.EDAYANNUR , KANNUR DISTRICT**

**BY ADVS.SRI.M.RAMESH CHANDER
SMT.K.A.SANJEETHA**

RESPONDENTS:

- 1. THE COMMISSIONER,
MALABAR DEVASWOM BOARD, KOZHIKODE.**
- 2. THE ASSISTANT COMMISSIONER,
MALABAR DEVASWOM BOARD, KASARAGODE.**
- 3. MALABAR DEVASWOM BOARD
REPRESENTED BY ITS PRESIDENT, KOZHIKODE.**
- 4. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
REVENUE (DEVASWOM) DEPARTMENT
SECRETARIAT, TRIVANDRUM.**

**BY SRI.K.MOHANAKANNAN, SC, MALABAR DEVASWOM
SRI.N.MANOJ KUMAR,SC,MALABAR DEVASWOM
SRI.KRISHNAKUMAR.S, SC, MALABAR DEVASWOM BOARD
SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD
BY GOVERNMENT PLEADER SMT. M.J. RAJASREE**

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

APPENDIX

PETITIONER'S EXHIBITS :-

- | | | |
|--------|---|---|
| EXT.P1 | - | COPY OF THE REPRESENTATION BEFORE THE 1ST RESPONDENT DATED 05.08.2000. |
| EXT.P2 | - | COPY OF THE REPRESENTATION BEFORE THE 4TH RESPONDENT DATED 02.01.2003. |
| EXT.P3 | - | COPY OF THE PROVISIONAL SENIORITY LIST OF EXECUTIVE OFFICERS AS ON 01.04.2001 IN THE 5TH GRADE. |
| EXT.P4 | - | COPY OF THE JUDGMENT OF THIS COURT IN O.P. NO.34205 OF 2002 DATED 04.07.2003. |
| EXT.P5 | - | COPY OF THE JUDGMENT IN WP(C) NO.28189 OF 2003 DATED 24.11.2006. |
| EXT.P6 | - | COPY OF THE REPRESENTATION BEFORE THE 3RD RESPONDENT DATED 06.06.2009. |
| EXT.P7 | - | COPY OF ORDER NO.A1/623/09 ISSUED BY 2ND RESPONDENT DATED 31.12.2009. |
| EXT.P8 | - | COPY OF REPRESENTATION BEFORE THE 3RD RESPONDENT DATED 05.01.2010. |

RESPONDENTS' EXHIBITS:-

- | | | |
|-----------|---|---|
| EXT.R1(A) | - | COPY OF THE ORDER NO.HRH7/6240/2003 DATED 23.02.2007 OF THE 1ST RESPONDENT. |
|-----------|---|---|

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.12549 of 2010

Dated this the 11th day of November, 2015.

JUDGMENT

The petitioner was aggrieved with the denial of promotion to the post of First Grade Executive Officer. The petitioner had retired on 31.05.2015, after the above writ petition was filed. The learned counsel for the petitioner produces before this Court an order No.H-7/2178/2014/MDB dated 22.06.2015, wherein the petitioner has been granted promotion with retrospective effect from 2004 onwards. The learned counsel for the petitioner submits that the prayer is for promotion from 2002 onwards. However, it is to be noticed that, claiming promotion from 2002 onwards, the petitioner has approached this Court only in 2010. Hence, the said claim is only to be rejected for the untimely delay.

2. However, since the Devaswom Board has granted

promotion to the petitioner with retrospective effect from 2004, pay shall be fixed and arrears, shall be paid within a period of three months from the date of receipt of a certified copy of this judgment. The enhanced amounts due as retirement benefits and gratuity shall also be disbursed to the petitioner. The petitioner shall be issued with a written communication as to the pay fixation made and computation of arrears. The petitioner shall be free to challenge such fixation and computation.

The writ petition is disposed of. No costs.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/11/11/15