

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 16196 of 2007 (C)

PETITIONER :

S.GOPI, THEKKEKANJIYIL VEEDU,
KADAMPANADU SOUTH, MANAMPUZHA P.O., PATHANAMTHITTA.

BY ADVS.SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS :

1. UNION OF INDIA REPRESENTED BY ITS
SECRETARY, DEPARTMENT OF HUMAN RESOURCES
CENTRAL SECRETARIAT, NEW DELHI.
2. STATE OF KERALA REPRESENTED BY ITS
CHIEF SECRETARY, SECRETARIAT, THIRUVANATHAPURAM.
3. STATE PROJECT OFFICER, (SSA), KERALA,
D.P.E.P., 4TH FLOOR CORPORATION BUILDING, PALAYALAM
THIRUVANANTHAPURAM.
4. DISTRICT PROJECT OFFICER,
S.S.A.(SARVA SIKSHA ABHIYAN), KOLLAM.
5. DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION, KOLLAM.
6. PRIMARY EDUCATION DEVELOPMENT,
SOCIETY OF KERALA (PEDSK)
THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY.
7. THE BLOCK PROGRAMME OFFICER,
SASTHAMKOTTA, KOLLAM.

R2,3,5 BY GOVERNMENT PLEADER SRI.ABHIJETT LESSIL
R1 BY SRI.P.PARAMESWARAN NAIR, CGC
SRI.N.NAGARESH, ASGI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16196 of 2007 (C)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE ORDER OF APPOINTMENT ISSUED BY THE 3RD RESPONDENT
DATED 19.9.2003

EXT.P2 : COPY OF THE DISABILITY CERTIFICATE DT7.10.97

EXT.P3 : COPY OF THE ORDER IN W.P. 14903/2007 OF THIS HON'BLE COURT

EXT.P4 : COPY OF THE ORDER IN W.P.15785/2007 OF THIS HON'BLE COURT

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.16196 of 2007

Dated this the 23rd day of February, 2015

J U D G M E N T

The petitioner is a Peon working on daily wages as per Ext.P1 appointment order in the Sarva Siksha Abhiyan (SSA), which is a joint project of the Central and State Governments. The petitioner has filed this writ petition apprehending termination from service. According to the petitioner, the petitioner is a member of the Scheduled Caste. The petitioner has sought the following reliefs :

- a. Declare that the petitioner is entitled to continue in service till the successful completion of the Sarvasiksha Abhiyan project and their services are no liable to be terminated for accommodating others.*
- b. Issue a writ of mandamus or other appropriate writ direction or order directing them to produce the rules/regulations/guidelines/norms relation the service conditions of the employees engaged in Sarvasiksha Abhiyan project.*
- c. To issue a writ of prohibition any or any or other appropriate order or direction restraining the respondents from terminating the service of the petitioner for the purpose of accommodating other temporary hands and without issuing any written order.*
- d. To issue a writ of mandamus or any other appropriate writ order or direction to the respondents to allow the petitioner to continue in service till the completion of the Sarvasiksha Abhiyan project.*
- e. Grant such other relief that are deemed fit and proper in the circumstances of the case.*

2. This writ petition was admitted on 29.05.2007. At the time of admission, the following interim order has been issued.

“Admit. Issue Notice.

If the services of daily wage Peons are required in the office of the 7th respondent, the petitioner shall be preferred to fresh daily rated hands. But, this will not stand in the way of appointing regular/Employment Exchange hands.”

The said interim order is still in force.

3. A counter affidavit has been filed on behalf of respondents 2 and 3 contending that the petitioner is only a temporary employee and that he cannot claim to continue for ever.

4. The learned counsel for the petitioner has handed over to me the judgment dated 17.06.2011 in W.P.(C).No.15844/2007 by which, the claim of a similar petitioner has been disposed of maintaining the interim order. I do not find any grounds to deny the same relief to the petitioner herein also.

In view of the above, this writ petition is disposed of in terms of the interim order reproduced hereinabove.

Sd/-
K.SURENDRA MOHAN, JUDGE.

AV