

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 9200 of 2015 (Y)

PETITIONER(S):

1. **S. REMADEVI**
BINDER, TRAVANCORE DEVASWOM BOARD PRESS
THIRUVANANTHAPURAM.
2. **V.LEKHA, -DO- -DO-**
3. **S.S.SANDHYARANI, -DO- -DO-**
4. **R.VIJAYALEKSHMY, -DO- -DO-**

BY ADVS.SRI.B.UNNIKRISHNA KAIMAL
SRI.V.MADHUSUDHANAN

RESPONDENT(S):

1. **THE TRAVANCORE DEVASWOM BOARD**
REP. BY ITS SECRETARY
TRAVANCORE DEVASWOM BOARD OFFICE, NANTHANCODE
KAWDIAR PO, THIRUVANANTHAPURAM-695 003.
2. **THE COMMISSIONER OF DEVASWOM,**
TRAVANCORE DEVASWOM BOARD, NANTHANCODE, KAWDIAR PO
THIRUVANANTHAPURAM-695 003.
3. **THE DIRECTOR,**
OFFICE OF THE CULTURAL DIRECTOR
TRAVANCORE DEVASWOM BOARD
THIRUVANANTHAPURAM-695 003.
4. **K.R.JAYARANI,**
BINDER, TRAVANCORE DEVASWOM BOARD PRESS
THIRUVANANTHAPURAM-695 003.

R1-R3 BY ADV. SRI.KRISHNA MENON, SC, TRAVANCORE DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 : TRUE COPY OF THE ORDER NO.ROC 8199/08/EST-2 DATED 5.10.2009
ISSUED BY THE 1ST RESPONDENT.
- EXT P2 : TRUE COPY OF THE ORDER NO.ROC 20721/09/EST DATED 27.10.2009
ISSUED BY THE 2ND RESPONDENT.
- EXT P3 : TRUE COPY OF THE LIST OF DAILY WAGE EMPLOYEES (RELEVANT
PORTION ONLY) IN THE DEVASWOM BOARD PRESS.
- EXT P4 : TRUE COPY OF THE ATTENDANCE REGISTER FOR THE MONTH OF
MARCH 2015.
- EXT P5 ; TRUE COPY OF THE JOINT REPRESENTATION SUBMITTED BY THE
PETITIONER TO THE 2ND RESPONDENT.
- EXT P6 : TRUE COPY OF THE ORDER NO.80/15/CA 1 DATED 02/2015 ISSUED BY
THE 3RD RESPONDENT.
- EXT P7: TRUE COPY OF THE REPRESENTATION DATED 3.3.2015 SUBMITTED
BY THE PETITIONERS BEFORE THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 9200 of 2015

Dated this the 22nd day of July, 2015

JUDGMENT

The petitioners, are regular employees of the Travancore Devaswom Board press in the category of Binders. The petitioners and the 4th respondent were appointed together to regular posts in the binding section of the respondent Board. Initially, petitioners 2 and 3 were appointed as binders along with the 4th respondent. At that time, petitioners 1 and 4 were appointed as Lascars. Thereafter, petitioners 1 and 4 filed Writ Petition No.12288 of 2010, seeking appointment as binders. The said writ petition was allowed and the petitioners 1 and 4 also were appointed as binders with effect from 27.10.2009. The grievance of the petitioners in the writ petition is essentially against Ext.P6 order dated February, 2015, whereby the 3rd respondent rejected a request of the petitioners for applying the provisions of Rule 27 Part II KSR, while determining the inter se seniority between the petitioners and the 4th respondent. It is stated that, against Ext.P6 decision of the 3rd respondent, the petitioners have preferred Ext.P7 representation before the said respondent and no orders have been passed by the said respondent on the said representation. In the meanwhile, anticipating that the respondent Board would act on the basis of the observations in Ext.P6 order that the 4th respondent was

temporarily appointed as the section head of binding by treating her as the senior most candidate in the binding department and consequently, treating the petitioners as junior to the 4th respondent in the said binding department, the petitioners approached this Court through the present writ petition seeking a direction to the respondents to place the petitioners above the 4th respondent in the seniority list prepared for the binding section of the respondent Board. It is also prayed that there be a direction to the 2nd respondent, before whom Ext.P5 representation has been filed by the petitioners in connection with the seniority dispute raised by them, to consider the said representation and pass orders thereon after hearing the petitioners.

2. A counter affidavit has been filed on behalf of the respondents 1 to 3. Therein, it is stated that while appointing the petitioners and the 4th respondent with effect from 27.10.2009, the petitioners were shown as ranking below the 4th respondent in the order of appointment. It is contended that, inasmuch as the petitioners have not challenged the said order till date, they cannot be heard to question the seniority of the 4th respondent over the petitioners as evidenced by that order. It is also clarified that the 4th respondent has only been temporarily assigned for additional duties to look after the works in the binding section and

the said temporary assignment of additional duties cannot be seen as an appointment of the 4th respondent as a Supervisor.

3. I have heard the learned counsel for the petitioner as also the learned Standing Counsel for the respondent Board.

4. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that the mere fact that the petitioners and the 4th respondent were ranked in any particular order in the appointment order issued, appointing the petitioners and the 4th respondent as binders in the binding department of the respondent Board, cannot ipso facto have the effect of conferring any seniority on the candidates in question. The issue of inter se seniority between the petitioner and the 4th respondent is something that will have to be determined by the respondents before effecting any further promotions in the binding department. Inasmuch as in the counter affidavit filed by the respondent board, it has been clarified that the present arrangement, as evidenced by Ext.P6 order, does not have the effect of appointing the 4th respondent as a supervisor, and is only a temporary assignment of additional duty to look after works in the binding section, I am of the view that the issue with regard to inter se seniority between the petitioners and the 4th respondent is

one that can be considered by the 2nd respondent before whom Ext.P5 representation filed by the petitioners is stated to be pending. Thus, without pronouncing on the inter se claim with regard to the seniority between the petitioners and the 4th respondent, I dispose the writ petition with a direction to the 2nd respondent to consider Ext.P5 representation filed by the petitioners, and decide the issue of inter se seniority between the petitioners and the 4th respondent for the purposes of further promotions to be effected in the binding department of the respondent board. The 2nd respondent shall pass orders as directed, after hearing the petitioners and the 4th respondent, within a period of two months from the date of receipt of a copy of this judgment. The interim order dated 24.03.2015 passed by this court in the present writ petition, mandating that the 4th respondent shall not be appointed as head of the binding section in a regular post, without obtaining orders from this Court, shall continue to be in force till such time as orders are passed by the 2nd respondent as directed, and communicated to the petitioners and the 4th respondent.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE