

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C).No. 9468 of 2015 (G)

PETITIONER:

ROYMON P.J. AGED 44 YEARS
S/O.JOSEPH , VEMBENI VEETIL, VELANILAM
VILANILAM P.O, KUTTIKKAL
KOTTAYAM DISTRICT PIN 686 514 (EMPANELLED CONDUCTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
KUMILY DEPOT, IDUKKI DISTRICT)

BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM) (M 915)
SRI.ANOOP.V.NAIR (A 726)
SRI.S.VIBHEESHANAN (V 216)
SRI.N.MANU THAMPI (M 1017)

RESPONDENTS:

1. GOVERNMENT OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF TRANSPORT,
GOVERNMENT SECRETARIAT, THIRUVANANTHURAM 695 001

2. KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT P.O, THIRUVANANTHURAM
695 023, REPRESENTED BY ITS MANAGING DIRECTOR

3. ASSISTANT TRANSPORT OFFICER, KERALA STATE
ROAD TRANSPORT CORPORATION, KUMILY DEPOT,
IDUKKI DISTRICT, PIN 685 509

SRI.RAFEEK.V.K.GOVERNMENT PLEADER
R BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKC

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APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 TRUE COPY OF THE RECEIPT NO.97522 DATED 21-2-1994 ISSUED TO THE PETITIONER,WHILE FURNISHING CASH DEPOSIT OF RS.3000/- AT THE OFFICE OF THE 3RD RESPONDENT ON 21-2-1994

EXT.P2 TRUE COPY OF THE DETAILS OF DUTY RENDERED BY THE PETITIONER WITH EFFECT FROM 1-1-1995 TO JULY 2014 ISSUED BY THE 3RD RESPONDENT ON 27-7-2014

EXT.P3 TRUE COPY OF THE FIRST PAGE OF THE SSLC BOOK OF THE PETITIONER ISSUED BY THE HEADMASTER,CMSHS,MUNDAKAYAM

EXT.P4 TRUE COPY OF THE MARK SECURED BY THE PETITIONER IN THE SSLC EXAMINATION HELD DURING MARCH 1990

EXT.P5 TRUE COPY OF THE STANDARD X-EQUIVALENCY CERTIFICATE DATED 22-10-2013 ISSUED BY THE SECRETARY,BOARD OF PUBLIC EXAMINATIONS,KERALA

EXT.P5(A) TRUE COPY OF THE ORDER DATED 19-07-2014 ISSUED BY THE 1ST RESPONDENT

EXT.P6 TRUE COPY OF GO(MS) NO 78/2011/TRAN DATED 22-12-2011 ISSUED BY THE 1ST RESPONDENT

EXT.P7 TRUE COPY OF THE MEMORANDUM DATED 11-4-2012 ISSUED BY THE 2ND RESPONDENT

EXT.P8 TRUE COPY OF THE PROFORMA DATED 16-02-2012 FORWARDED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT

EXT.P9 TRUE COPY OF THE LIST OF ELIGIBLE PERSONS ENTITLED TO GET REGULARIZED IN SERVICE FORWARDED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT

EXT.P10 TRUE COPY OF THE JUDGMENT DATED 17-03-2014 IN WPC NO 15024/2013 OF THIS HON'BLE COURT

EXT.P11 TRUE COPY OF TH EJUDGMENT DATED 4-8-2014 IN WPC NO 19478/2014 OF THIS HON'BLE COURT

EXT.P12 TRUE COPY OF THE ORDER DATED 27-09-2014 ISSUED BY THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

RKC

//TRUE COPY//

PA TO JUDGE

P.V.ASHA, J.

.....
W.P.(C) No.9468 of 2015
.....

Dated this the 16th day of June, 2015

JUDGMENT

The petitioner has filed this writ petition challenging Ext.P12 order of the 2nd respondent rejecting his request for regularisation as Conductor and praying for a direction to the 2nd respondent to regularise his services as Conductor in the Kerala State Road Transport Corporation with effect from 22.12.2011 in terms of Ext.P6 order issued by the Government.

2. In Ext.P12 order, 2nd respondent stated that the basic qualification prescribed for the post of Reserved Conductor is S.S.L.C. pass or equivalent and the petitioner did not have pass in S.S.L.C as on 22.12.2011-the date of Ext.P6 order, he is not entitled to regularisation.

3. The petitioner has produced Ext.P2 chart in order to assert that he is having the eligibility for regularisation by virtue of his service as "Empannelled Conductor" for the period from September 1995 to July 2014. He has also furnished the marks secured by him in the S.S.L.C. examination held in March 1990.

The petitioner has produced Ext.P5 which shows that he is having standard X-equivalency certificate issued by the Secretary, Board of Public Examinations. Therefore he is having all the requisite qualification for appointment as Conductor. Even otherwise the respondents have already regularised several persons who do not have S.S.L.C, as in Ext P5(a). He has rendered the service of 16 years continuously and fulfills all the conditions stipulated in G.O (Ms) No.78/2011/Tran dated 22.12.2011 for regularisation.

4. Petitioner had earlier approached this Court in in W.P. (C) No.19478 of 2014, against the refusal to regularise him and this Court by Ext.P11 judgment directed the 2nd respondent to consider the representation of the petitioner for regularisation, in the light of the judgment Ext.P10 and his equivalency certificate Ext.P9. Petitioner pointed out that respondents have already regularised persons without SSLC and he was discriminated. In Ext.P10, this Court had referred to its earlier judgment, wherein it was held that pass in S.S.L.C need not be insisted in the case of regularisation of Empanelled Conductors. The petitioner relied on Exts.P10 and P11 judgments of this Court, in which this Court

held that for regularisation of Reserved Conductors like petitioner, it is not necessary to insist qualification of S.S.L.C as in the case of direct recruitment to the post. In Ext.P10 judgment, while quashing orders passed by the Kerala State Road Transport Corporation, this Court directed to pass fresh orders in the light of the judgment. The petitioner also points out that several persons similarly situated like him have already been regularised.

5. In Ext.P11 judgment this Court had already directed the 2nd respondent to consider the request of petitioner, in the light of Ext.P10 judgment, wherein, relying on an earlier judgment, it was held that the educational qualification need not be insisted for regularisation of the Empanelled Conductors working for so long. It is the case of the petitioner that the 2nd respondent has already regularised services of the petitioner therein. Ext.P10 refers to an earlier judgment of this Court also, wherein the issue relating to qualification of the petitioner, who was not having pass in S.S.L.C was considered and it was declared that he was eligible for regularisation. The 2nd respondent has already

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implemented those judgments. But in the case of the petitioner the 2nd respondent again rejected the representation, saying that he did not have the requisite qualification as on the date of the Government order Ext.P6 i.e 22.12.2011, in total disregard of the observations and directions contained in Ext.P11 judgment, on account of which the petitioner is compelled to approach this Court again.

In the light of the above circumstances, Ext.P12 is quashed. The 2nd respondent is directed to issue fresh orders on regularisation of services of the petitioner without insisting educational qualification, within a period of two months from the date of receipt of a copy of the judgment.

Accordingly the writ petition is disposed of.

Sd/-
P.V.ASHA,
JUDGE.

rkc