

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

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

WP(C) .No. 9566 of 2015 (U)

PETITIONER(S) :

SREENIVAS.P, AGED 37 YEARS
S/O PARAMESWARAN NAIR, ANJANATHIL, KARAZHMA
MAVELIKARA, ALAPPUZHA DISTRICT.

BY ADVS.SRI.M.R.ARUNKUMAR
SRI.P.SHAMMI NAVAS

RESPONDENT(S) :

1. THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
THIRUVANANTHAPURAM-695001.
2. THE ASSISTANT DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, MAVELIKARA
ALAPPUZHA-690101.
3. SUB GROUP OFFICER
TRAVANCORE DEVASWOM BOARD
ULACHIKKADU SREEKRISHNA SWAMI TEMPLE,
ULACHIKKADU, MAVELIKARA, ALAPPUZHA-690101.
4. DEVASWOM COMMISSIONER
OFFICE OF THE DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, NANTHANCOD
THIRUVANANTHAPURAM-695001.

* Addl.R5 KERALA DEVASWOM RECRUITMENT BOARD
THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.

*(ADDL.R5 IMPEADED AS PER ORDER DATED 22.07.2015.)

R1 TO R4 BY SRI.D.SREEKUMAR, SC, TDB
ADDL.R5 BY ADV. SRI.K.B.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-11-2015, ALONG WITH DBA 8/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: COPY OF THE LETTER ISSUED BY THE THANTHRI OF THE TEMPLE TO THE 2ND RESPONDENT DATED 27.1.2015.

EXHIBIT P2: COPY OF THE ORDER PASSED BY THIS HONOURABLE COURT IN WPC NO.2012 OF 2007 OF THE HONOURABLE COURT DATED 9.6.2008.

EXHIBIT P3: COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN CONTEMPT CASE (C)NO.1839 OF 2008 DATED 27.1.2009.

EXHIBIT P4: COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE MEMBER OF THE TRAVANCORE DEVASWOM BOARD DATED 5.2.2014.

EXHIBIT P5: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE OMBUDSMAN FOR DEVASWOM DATED 24.2.2014.

EXHIBIT P6: COPY OF THE LETTER SENT BY THE COMMISSIONER OF THE TRAVANCORE DEVASWOM BOARD TO THE OMBUDSMAN FOR TRAVANCORE AND KOCHI DEVASWOM BOARDS DATED 25.3.2014.

EXHIBIT P7: COPY OF THE ORDER PASSED BY THE OMBUDSMAN FOR TRAVANCORE AND COCHIN DEVASWOM BOARD DATED 1.12.2014.

EXHIBIT P8: COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN CONTEMPT CASE (C)NO.69 OF 2015 DATED 9.2.2015.

EXHIBIT P9: COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 16.2.2015.

EXHIBIT P10: COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC NO.8764 OF 2009 DATED 3.12.2009.

EXHIBIT P11: COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN CONTEMPT CASE (C)NO.76 OF 2015 DATED 20.1.2015.

EXHIBIT P12 : COPY OF PATHIVU PREPARED AND ISSUED BY THE THANTHRI OF ULACHIKKADU SREE KRISHNA SWAMI TEMPLE DATED 27.01.2015.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

.....
WP(C) No.9566 of 2015
and
DBA No.8 of 2015
.....

Dated this the 11th day of November, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1.Read order dated 22.07.2015. Following that, as of now, the Kerala Devaswom Recruitment Board, 'KDRB', for short, has been able to put in place its Rules of Procedure and has also been given the required staff support by the Government, which is stated to be minimal. Be that as it may, the State Government has to consider the Rules of Procedure of KDRB, which is called as Manual, for approval. That has to be expeditiously done. The immediate requirement is to ensure that KDRB is made operational in its fullest sense as envisaged by the Kerala Devaswom Recruitment Board Act, 2015 and the Kerala Devaswom Recruitment Rules, 2015. This the Government shall do forthwith.

2. In the meanwhile, the Travancore Devaswom Board has made a report to KDRB regarding the vacancy position to which recruitments have to be made. If that is not exhaustive, TDB has to give a list of further available vacancies. Special Rules have to be formulated to enable the recruitments. TDB has forwarded the Special Rules to the Government for approval on 28.07.2015. The Government will take up that matter on war footing, since the decision at its hands needs to be taken at the earliest, so that the recruitment process need not be further held back on that issue.

TDB through DBA No.8 of 2015 has sought for permission to appoint persons from the list of candidates for compassionate appointment. This is strongly opposed by the learned State Attorney primarily pointing out that even without getting permission, 12 vacancies have been filled up and still further that the quota rule for compassionate appointment would stand obliterated if excessive appointments from that source are permitted to be made. Since KDRB has been formed and is

aiming to complete the exercise of recruitment within a shortest possible time, we think that the managerial deficiencies, which the TDB is being put to on account of retirement of personnel, have to be managed by ensuring an ad hoc arrangement for the time being. It is not necessary to appoint persons at the entry cadre, that is to say, lower division clerks and thereby bringing new persons in to the arena of appointments when KDRB is in the process of selecting persons for direct recruitment in terms of the Special Rules which are pending consideration for approval and also in terms of the Kerala Devaswom Recruitment Board Act and the Rules. We are, therefore, of the view that willing TDB employees, including temple employees thereby meaning also santhikars, who would have retired or are due to retire on or after the last working day of October, 2015, can be appointed on purely ad hoc and contract basis on total payables at par with their last drawn pay. There will be a direction to that effect. Such services would be liable to be terminated as and when the ready list of persons for appointment by direct recruitment would be

available through the recruitment process. That will be carried out by KDRB. We are also told that insofar as santhikars are concerned, the selection procedure consists of only interview. KDRB will, therefore, make an earnest effort to take up the issue of recruitment of santhikars immediately, since it is stated that there is large number of vacancies in that category. It is clarified that engagement of persons by TDB in terms of this order will be only in relation to vacancies which have been or are being reported, including the vacancies that may occur on the retirement of any particular incumbent, who will be retained on ad hoc or contract basis in terms of this order. The WP(C) and the DBA are ordered accordingly.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(ANU SIVARAMAN, JUDGE)