

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 9822 of 2015 (C)

PETITIONER(S):

D.ACHUTHAN,
FORMER AUDIT CLERK, SREE PADMANABHASWAMY TEMPLE, FORT
THIRUVANANTHAPURAM, RESIDING AT TC 79/508 (1)
'SREEVALSAM', KARIKKAKOM P.O.
THIRUVANANTHAPURAM - 695 021.

BY ADVS.SRI.PIRAPPANCODE V.S.SUDHIR
SRI.JELSON J.EDAMPADAM

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEVASWOM
SECRETARIAT, THIRUVANANTHAPURAM.

2. ADMINISTRATIVE COMMITTEE,
SREE PADMANABHA SWAMI TEMPLE
REPRESENTED BY ITS CHARIPERSON
SREE PADMANABHA SWAMI TEMPLE, FORT
THIRUVANANTHAPURAM.

3. THE EXECUTIVE OFFICER,
SREE PADMANABHA SWAMI TEMPLE, FORT
THIRUVANANTHAPURAM.

R BY GOVERNMENT PLEADER SRI.VIJULAL (SR)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 9822 of 2015 (C)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: TRUE COPY OF THE ORDER NO. 194/5/SP ESTT. DATED 23.11.2007 OF THE EXECUTIVE OFFICER.

EXT.P2: THE TRUE COPY OF THE AGREEMENT DATED 01/01/2005 ENTERED BETWEEN THE TEMPLE AND ITS EMPLOYEES.

EXT.P3: THE TRUE COPY OF THE AGREEMENT DATED 08/04/2011 ENTERED BETWEEN THE TEMPLE AND ITS EMPLOYEES.

EXT.P4: THE TRUE COPY OF THE PROCEEDINGS OF THE ADMINISTRATIVE COMMITTEE DATED 16/10/2014, REJECTING THE APPLICATION SUBMITTED BY THE PETITIONER SEEKING REINSTATEMENT IN SERVICE.

EXT.P5: THE TRUE COPY OF THE APPEAL DATED 12/01/2015 SUBMITTED BY THE PETITIONER BEFORE THE GOVERNMENT UNDER RULE 23 OF THE KERALA CIVIL SERVICES (CLASSIFICATION, CONTROL & APPEAL) RULES 1960.

RESPONDENT(S) ' EXHIBITS

-----" NIL

/TRUE COPY/

P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 9822 OF 2015

Dated this the 7th day of April , 2015

JUDGMENT

The petitioner was a permanent employee of the Mathilakom service of the Sree Padmanabhaswamy Temple. He was dismissed from the service vide Ext.P1 by the Executive Officer, the 3rd respondent herein. Aggrieved by that he approached the Trustee Board and thereafter on constitution of the Administrative Committee replacing the Trustee Board, the Administrative Committee rejected the application submitted by the petitioner seeking reinstatement, as per Ext.P4. Thereafter, the petitioner approached the Government by Ext.P5 appeal in terms of Rule 23 of the Kerala Civil Services (Classification, Control & Appeal) Rules 1960. The only request made by the petitioner is for an early disposal of Ext.P5.

2. The learned Government Pleader expressing doubt about the maintainability of Ext.P5 before the first respondent Government, submits that unless it is clarified from the

Government, the Government cannot be directed to consider Ext.P5.

3. I am of the view that whether Ext.P5 is maintainable before the Government or not itself is a matter which can be decided by the Government while considering Ext.P5.

4. In the light of the above, there shall be a direction to the first respondent to consider Ext.P5, after affording an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

SD/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/true copy/ PS to Judge.

