

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 10196 of 2015 (S)

PETITIONER:

**K.P.MUTHUKOYA, AGED 64 YEARS,
S/O.LATE MOHAMMED KOYA, KUNHIPAPPADA HOUSE
KALPENI ISLAND, UNION TERRITORY OF LAKSHWADWEEP**

BY PARTY IN PERSON

RESPONDENTS:

- 1. THE ADMINISTRATOR
UNION TERRITORY OF LAKSHADWEEP, KAVARATHI, 682555**
- 2. THE SECRETARY (ANIMAL HUSBANDRY)
ADMINISTRATION OF UNION TERRITORY OF LAKSHADWEEP
KAVARATHI 682555**
- 3. THE DIRECTOR (ANIMAL HUSBANDRY)
DIRECTORATE OF ANIMAL HUSBANDRY
KAVARATHI- UNION TERRITORY OF LAKSHADWEEP 682555**
- 4. THE DISTRICT VETERINARY OFFICER
ANIMAL HUSBANDRY (DISTRICT PANCHAYAT), KAVARATHI
UNION TERRITORY OF LAKSHADWEEP 682555**
- 5. PRESIDENT- CUM- CHIEF COUNSELOR
LAKSHADWEEP DISTRICT PANCHAYATH
DISTRICT PANCHAYATH (HEAD QUARTERS)
KAVARATHI 682555**
- 6. DR. B.SABEER
AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER
VETERINARY ASSISTANT SURGEON, AGATTI ISLAND
UNION TERRITORY OF LAKSHADWEEP 682555**

7. DR. K.K. AKBER
AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER
VETERINARY ASSISTANT SURGEON, KALPENI ISLAND
UNION TERRITORY OF LAKSHADWEEP 682555
8. DR. CP.ABDUL KABEER
AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER
VETERINARY ASSISTANT SURGEON, MINICOY ISLAND
UNION TERRITORY OF LAKSHADWEEP 682555
9. DR. K.K.ABDUL KHADER
AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER
VETERINARY ASSISTANT SURGEON, KADMATH ISLAND
UNION TERRITORY OF LAKSHADWEEP 682555
10. DR. P.HANEEFAKOYA
AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER
VETERINARY ASSISTANT SURGEON, CHETHLAT ISLAND
UNION TERRITORY OF LAKSHADWEEP 682555
11. THE UNION PUBLIC SERVICE COMMISSION
DHOLPUR HOUSE, SHAJAHAN ROAD, NEW DELHI
REPRESENTED BY ITS SECRETARY 670001
12. THE DIRECTOR (ANIMAL HUSBANDRY)
DEPARTMENT OF ANIMAL HUSBANDRY, GOVERNMENT OF KERALA
VIKAS BHAVAN, THIRUVANANTHAPURAM 695001

R11 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC UPSC
R12 BY GOVERNMENT PLEADER SRI.P.I.DAVIS
R1 TO R5 BY SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- P1: A TRUE COPY OF REPRESENTATION DATED 19.09.2011 SUBMITTED BY THE PETITIONER BEFORE THE ADMINISTRATOR AND OTHER AUTHORITIES DATED 19.09.2011**
- P2:A TRUE COPY OF THE OFFICE MEMORANDUM DATED 08.01.2015 BEARING F.NO.101/3/2012 AH(DP)/37 ISSUED BY THE DISTRICT VETERINARY OFFICER**
- P3:A TRUE COPY OF THE REPRESENTATION DATED 18.03.2015 SUBMITTED BY THE PRESIDENT CUM CHIEF COUNCILOR OF LAKSHADWEEP DISTRICT PANCHAYATH TO THE 1ST RESPONDENT**
- P4:A TRUE COPY OF THE REPRESENTATION DATED 27.02.2015 SUBMITTED BY THE PRESIDENT CUM CHIEF COUNCILOR OF LAKSHADWEEP DISTRICT PANCHAYATH TO THE 2ND RESPONDENT**

RESPONDENT'S EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

JJJ

ASHOK BHUSHAN, C.J.
&
A.M. SHAFFIQUE, J.

W.P.(C) No. 10196 of 2015

Dated this the 6th day of April, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the petitioner, who has appeared in person, as well as Sri. S.Radhakrishnan, learned Standing Counsel appearing for respondents 1 to 5. We have not issued notice to respondents 6 to 12 in view of the order which is being passed.

2. This Writ Petition has been filed by the petitioner claiming to be a public spirited person praying for the following reliefs:

- "i) to call for the records leading to and pursuant to Exhibits P1 to P4 and to declare that the respondents 1 to 4 and 11 are bound to make arrangements for appointing qualified Veterinary Assistant Surgeons through Respondent no.11 Union

Public Service Commission by following due procedure as expeditiously as possible in all vacancies in Animal Husbandry Department under respondents 1 to 4.

- ii) To declare that respondents 1 to 4 and 11 are bound to make alternative arrangements for appointing Veterinary Assistant Surgeons on relieving the continuing Veterinary Assistant Surgeons pursuant to Ext.P2 and to permit the respondents 5 to 10 to continue as Veterinary Assistant Surgeons until an alternative arrangement is made.
- iii) to declare that Exhibit P2 to the extent it does not extent the deputation of respondents 6 to 10 as Veterinary Assistant Surgeons without making any alternative arrangement is illegal, arbitrary and unsustainable.
- iv) to grant such other relief as this Hon'ble Court may deem fit on the facts and in the circumstances of the case."

3. The petitioner, who appeared in person, submits that there are 13 posts of Assistant Veterinary Surgeons. He submits that three incumbents were taken on contract basis and certain officials were taken on deputation, whose deputation period was initially till September 2014, which was extended up to 31.3.2015. Ext.P2 has been filed, which is the order dated 8.1.2015 permitting the deputationists to continue for a further period up to 31.03.2015 or till the necessity ceases, whichever is earlier.

3. The grievance of the petitioner is that after 31.3.2015 there are no competent person to man the posts and keeping the posts vacant shall adversely affect the whole administration of Lakshadweep.

4. Sri.S.Radhakrishnan, learned Standing Counsel appearing for Lakshadweep submits that they have already written to the Public Service Commission to permit filling up of the posts by fresh deputation. He further submits that

the period of three year of the deputationists have already come to an end and they cannot be extended any further. He submit that they have already written to the Commission to fill the posts by direct recruitment.

4. We have considered the submissions of the parties and perused the records.

5. The Order dated 8.1.2015 continued the tenure of Veterinary Assistant Surgeons, who are on deputation, till 31.3.2015. Admittedly, no other list by the Commission is available nor there are any other qualified incumbents who can be asked to perform the duties of the Office. The Administration has to make arrangements so that there are Veterinary Assistant Surgeons available to perform the duties of the posts. Requirements of their functioning cannot be denied, especially with regard to Lakshadweep where there are no other sources for even taking persons on contract.

6. Looking to the above facts we are of the view that the respondent Administration shall ensure that the officials working in the posts should be allowed to continue, subject to their consent, till any alternative arrangement for filling the posts, either by deputation or by direct recruitment, is available.

We thus dispose of the Writ Petition with the above direction.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

jjj