

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

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

WP(C).No. 16970 of 2012 (U)

PETITIONER:

SHAMSUDHEEN P.H., S/O. HAMEED, DRIVER GR.I,
KERALA STATE ROAD TRANSPORT CORPORATION
THODUPUZHA DEPOT, RESIDING AT PADINJARAKKARA HOUSE
EDAVETTY P.O., THODUPUZHA, IDUKKI DISTRICT-688 588.

BY ADV. SRI. KALEESWARAM RAJ

RESPONDENTS:

1. KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY THE MANAGING DIRECTOR
KERALA STATE ROAD TRANSPORT CORPORATION
THIRUVANANTHAPURAM-695 001.

2. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY THE SECRETARY
KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM-695 004.

BY ADV. SRI. M. GOPIKRISHNAN NAMBIAR, SC, KSRTC
BY SRI. P. C. SASIDHARAN, SC, KPSC
BY SRI. BABU JOSEPH KURUVATHAZHA, SC, KSRTC

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

- EXHIBIT P1 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DATED 11.10.1999 TOGETHER WITH TRANSLATION
- EXHIBIT P2 : TRUE COPY OF THE ADVICE MEMO OF THE 2ND RESPONDENT DATED 22.06.2000 TOGETHER WITH TRANSLATION
- EXHIBIT P3 : TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 10.07.2000.
- EXHIBIT P4 : TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 01.08.2001.
- EXHIBIT P5 : TRUE COPY OF THE RELEVANT PAGES OF THE SENIORITY LIST PUBLISHED BY THE 1ST RESPONDENT.
- EXHIBIT P6 : TRUE COPY OF THE REPRESENTATION DATED 04.02.2012 TOGETHER WITH TRANSLATION.
- EXHIBIT P7 : TRUE COPY OF THE CASTE CERTIFICATE ISSUED BY TAHSILDAR, THODUPUZHA DT. 26.05.2000.
- EXHIBIT P8 : TRUE COPY OF THE CERTIFICATE DATED 24.05.2000 ISSUED BY TAHSILDAR, THODUPUZHA
- EXHIBIT P9 : TRUE COPY OF THE JUDGMENT DATED 13.03.2012 IN WP(C) NO. 6243/2012
- EXHIBIT P10 : TRUE COPY OF THE ORDER DATED 26.05.2012.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 16970 OF 2012

Dated this the 22nd day of July, 2015

JUDGMENT

The issue of seniority is raked up by the petitioner. Firstly the ranked list has long ago expired. Secondly the affected parties are not impleaded. The petitioner was assigned rank No. 4742. The petitioner contends that he ought to have been assigned rank No. 3945. The candidates in between would be affected by the verdict.

2. The petitioner relies on **V.P. Shrivastava and others Vs. State of M.P. And others [1996 (7) SCC 759]** on the question of non joinder. It has been stated in paragraph 14 therein as follows:

“No list or order fixing seniority of the petitioners vis a vis particular individuals pursuant to the impugned decisions, is being challenged.”

That is not the case here which makes the said judgment distinguishable. Moreover some of the affected parties were on party array and they were only adhoc promotees. The said decision has no application in the case on hand.

WP(C) No. 16970/2012

2. I also find that the issue canvassed by the petitioners is answered by the judgment in WP(C) No. 7332/2010. I fully endorse the reasoning therein. I do not find any ground to grant the relief sought for in the writ petition.

The Writ Petition is dismissed. No costs.

**V. CHITAMBARESH
JUDGE**

ncd