

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

OP.No. 34410 of 2002 (U)

PETITIONER(S):

1. T.MICHAEL, POTHACHERIL, THATHAMPALLY,
ALAPPUZHA
2. ANILKUMAR.K.P, KADAVATHUSSERY,
VATTAYAL WARD, ALAPPUZHA.
3. SANTHOSHKUMAR.T.K., KURUPPASSERIL,
ZILLA COURT WARD, ALAPPUZHA
4. RAJU.D., R.S.NIVAS, ST ANTONYS SPOT,
ALAPPUZHA.
5. JOSEPH.L., KAMPIYIL VEEDU, KOMADY,
ALAPPUZHA.
6. HARIDAS.B., KATTUNGAL VELI,
PARAVOOR P.O.
7. SHYAMKUMAR.T., ATATHUPARAMBIL,
ZILLA COURT, THATHAMPALLY, ALAPPUZHA
8. SASIDHARAN.P., THATUNGAL VEEDU,
VANDANAM, ALAPPUZHA
9. P.T.PRAKASAN, PULIKIYIL VEEDU,
SOUTH ARYAD, ALAPPUZHA

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENT(S):

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, WATER SOURCES DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
2. THE CHIEF ENGINEER, IRRIGATION AND
ADMINISTRATION, THIRUVANANTHAPURAM
3. THE EXECUTIVE ENGINEER,
MECHANICAL DIVISION, THANEERMUKKAM, ALAPPUZHA.

BY ADV. P.V. ELIAS, GOVERNMENT PLEADER

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP NO.34410/2002

APPENDIX

PETITIONERS' EXHIBITS:

- P1 : COPY OF GO(P) NO.6/90/PW & T DATED 20.01.1990
- P2 : COPY OF LETTER DATED 05.01.1998 FROM THE 3RD RESPONDENT TO THE 2ND RESPONDENT
- P3 : COPY OF MINUTES OF THE MEETING HLED BY THE MINSTER FOR IRRIGATION ON 31.05.2000
- P4 : COPY OF JUDGMENT DATED 03.07.2002 IN OP NO.18199/2002
- P5 : COPY OF JUDGMENT DATED 02.01.2002 IN OP NO.19745/1997
- P6 : COPY OF GO (RT) NO.627/02/WRD DATED 18.07.2002
- P7 : COPY OF REPRESENTATION DATED 10.08.2002 FROM THE PETITIONERS TO THE RESPONDENTS
- P8 : COPY OF ORDER NO.(520670/02 DATED 26.09.2002 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

O.P. No.34410 of 2002

Dated this the 2nd day of June, 2015

JUDGMENT

The petitioners, who are employed by the 3rd respondent as welders, fitters, pinters and blacksmiths in the Dry Dock Work Shop at Alappuzha has approached this Court in this original petition seeking a writ of certiorari to quash Ext.P8 to the extent it limits their claim for inclusion in the seniority list of H.R. hands as on 31.05.2000 and seeking a declaration that they are entitled to the benefit of Ext.P1 Government Order and are liable to be absorbed in regular service. The petitioners have also sought a writ of mandamus commanding the respondents to regularly absorb them in service, in accordance with Ext.P1 Government Order.

2. A counter affidavit has been filed on behalf of the 1st respondent in which it has been stated that during the pendency of this original petition, petitioners 3, 4, 5, 6, 7 and 9 have submitted a representation to the 2nd respondent, in the light of the judgment of this Court in O.P.No.19745/1997 and the 2nd

respondent placed the said request before the Government vide letter No.05/9120/2006 dated 19.07.2006. Accordingly, the petitioners 3, 4, 6, 7 and 9 were absorbed as SLR workers as per GO (Rt) No.1388/2006/WRD dated 13.11.2006 and the 5th petitioner was later absorbed as SLR worker as per G.O.(Rt) No.358/07/WRD dated 16.03.2007. Still later, the 2nd petitioner was absorbed as SLR worker as per G.O.(MS)No.06/13/WRD dated 16.01.2013. As far as the 8th petitioner is concerned, he was not absorbed as he has crossed the age of 58 years and hence not eligible for absorption as SLR worker. As far as the 1st petitioner is concerned, it has been stated in the counter affidavit that, he fulfilled the criteria fixed by the Government for regularisation as SLR worker and that the 2nd respondent has already recommended his name for absorption, since he has produced material evidence to substantiate his claim. The said proposal is now under consideration of the Government and a decision will be taken shortly.

3. Heard the arguments of the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

4. A reading of the counter affidavit filed by the 1st

respondent would show that the grievance of all the petitioners other than the 1st and 8th petitioners have already been redressed and they have been absorbed as SLR workers. As far as the 8th petitioner is concerned, he is not eligible for absorption as SLR worker since he has crossed the age of retirement of SLR workers, which is 58 years. As far as the 1st petitioner is concerned, going by the averments in the counter affidavit, the proposal for his regularisation is now pending consideration before the respondents.

In the above circumstances, this writ petition is disposed of directing the 1st respondent to consider the proposal made by the 2nd respondent for regularisation of the 1st petitioner as SLR worker, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment. The decision on the said proposal shall be communicated to the petitioner immediately thereafter.

sd/-
ANIL K. NARENDRA,
JUDGE

JV