

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No.14851 of 2015 (F)

PETITIONER:

**PRATHAP SIMHAN NAIR.T, DEPUTY MANAGER (PERSONAL),
KERALA TOURISM DEVELOPMENT CORPORATION LTD.
MASCOT SQUARE,VIKAS BHAVAN P.O,
THIRUVANANTHAPURAM-695033.**

**BY DR.K.P.SATHEESAN (SENIOR ADVOCATE.)
ADVS.SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.VNAIR
SRI.S.VIBHEESHANAN**

RESPONDENT'S:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
TOURISM (B) DEPARTMENT,GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. KERALA TOURISM DEVELOPMENT CORPORATION LTD,
REPRESENTED BY ITS MANAGING DIRECTOR,
MASCOT SQUARE,VIKAS BHAVAN P.O,
THIRUVANANTHAPURAM-695033.**

**R1 BY SPECIAL GOVT. PLEADER SRI.A.K.JOHN
R2 BY SRI.THOMAS MATHEW NELLIMOOTTIL, SC, KTDC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-05-2015,ALONG WITH WP(C) NO.14872/2015 THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

pk

WP(C).No.14851 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:TRUE COPY OF THE DECISION TAKEN BY THE BOARD IN ITS 282 ND
MEETING HELD ON 24.12.2014.**

**EXT.P2:TRUE COPY OF THE LETTER WRITTEN BY THE 2ND RESPONDENT TO
THE FIRST RESPONDENT DATED 17.01.2015.**

**EXT.P3:TRUE COPY OF THE RELEVANT PAGES (1,2,3 AND 8) OF THE KERALA
TOURISM DEVELOPMENT CORPORATION SERVICE RULES.**

EXT.P4:TRUE COPY OF THE ORDER DATED 31.03.2015 IN WPC.NO.10403/2015.

EXT.P5:TRUE COPY OF THE ORDER DATED 10.04.2015 IN WPC.NO.12186/2015.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). Nos. 14851 & 14872 of 2015

Dated this the 21st day of May, 2015

JUDGMENT

The petitioners in these writ petitions are employees of the Kerala Tourism Development Corporation. As per the service rules of the organization, an employee will ordinarily retire from the services of the Corporation on the last date of month, in which he completes the age of 58 years. It is stated in the writ petitions that, the Board of the respondent Corporation has already taken a decision to enhance the age of retirement to 60 years and the matter is now forwarded to the State Government for its approval. The petitioners would benefit by the enhanced age of retirement, if approved by the Government, and they would get an extension of tenure by two years. On the contrary, if the enhanced age of retirement, that is recommended by the Board, is not approved by the Government, the petitioners will have to retire by the end of this month, on completion of 58 years of age. The prayer in these writ petitions is for a direction to the 1st respondent Government to consider and pass appropriate orders on the representations, that have been filed by the petitioners before the Government, for an expeditious decision in the matter of enhancement of retirement age of the employees of the respondent Corporation. It is the further prayer of the petitioners that, if the decision of the

Government, on the representations preferred by them, is going to take time, beyond the date of their retirement as per the present rules, then they may be permitted to continue in service without drawing any emoluments, till such time as the Government takes a final decision in matter.

2. I have heard the learned counsel appearing for the petitioners, the learned Standing Counsel appearing for the 2nd respondent Corporation and also the learned Standing Counsel appearing for the 1st respondent.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petitions with the following directions:

The 1st respondent shall consider and pass appropriate orders on the representations preferred by the petitioner before the said respondent, in the light of the proposal of the Board of the 2nd respondent Corporation, to enhance the age of retirement of its employees. The 1st respondent shall take a decision in the matter, within a period of three months, after hearing the petitioners. I

make it clear that till such time as the 1st respondent passes orders as directed in the representations preferred by the petitioner, the petitioner shall be allowed to continue in the service of the 2nd respondent Corporation, without drawing any remuneration or emoluments. The right of the petitioners to continue in service beyond the date of retirement as per the extant rules, shall be governed by the decision to be taken by the 1st respondent on the representations preferred by the petitioners.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE