

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 18029 of 2011 (C)

PETITIONER(S):

- 1. E.M.SHARAFUDEEN AND OTHERS
T.C 65/1981-1, HAYATH THIRUVALLAM.P.O, TRIVANDRUM-27
NOW WORKING AS CINE ASSISTANT AT, CHITHRANJALI
OUTDOOR UNIT, KERALA STATE FILM
DEVELOPMENT CORPORATION, THIRUVALLOM.P.O, TRIVANDRUM.**
- 2. S. RADHAKRISHNAN, AGED 50 YEARS,
T.C 36/1683-1, SANTHAMADURPIL HOUSE, SUBHASH NAGAR
VALLAKKADAVU.P.O, TRIVANDRUM-18
NOW WORKING AS CINE ASSISTANT AT, CHITHRANJALI
OUTDOOR UNIT, KERALA STATE FILM
DEVELOPMENT CORPORATION, TRIVANDRUM**
- 3. B. VENUGOPALAN NAIR, AGED 47 YEARS,
PANCHAKSHARAM, VADAKKE PIRACHEL, PRAVACHAMBALAM
NEMOM.P.O, TRIVANDRUM-20, NOW WORKING AS CINE
ASSISTANT AT CHITHRANJALI OUTDOOR UNIT, KERALA
STATE FILM DEVELOPMENT CORPORATION,
THIRUVALLOM.P.O,TRIVANDRUM**
- 4. J. BALAKRISHNAN, AGED 52 YEARS,
ARUNANJALI, T.C 52/1735, STUDIO ROAD
ESTATE.P.O, TRIVANDRUM-19
NOW WORKING AS CINE ASSISTANT
AT CHITHRANJALI OUTDOOR UNIT, KERALA
STATE FILM DEVELOPMENT CORPORATION, THIRUVALLOM.P.O
TRIVANDRUM**
- 5. M.T. SATHEESAN, AGED 47 YEARS,
CHERUKKUNNUMMEL HOUSE, VELLIPARAMBA.P.O
KOZHIKODE - 673 008, NOW WORKING AS CINE ASSISTANT
AT CHITHRANJALI OUTDOOR UNIT, KERALA
STATE FILM DEVELOPMENT CORPORATION, THIRUVALLOM.P.O
TRIVANDRUM.**
- 6. A.M. ABDUL KHADER, AGED 46,
T.C 46/10, PALLY STREET, POONTHURA.P.O
TRIVANDRUM-26, NOW WORKING AS ELECTRICIAN AT
CHITHRANJALI OUTDOOR UNIT, KERALA
STATE FILM DEVELOPMENT CORPORATION, THIRUVALLOM.P.O
TRIVANDRUM.**

7. N.VINOD KUMAR, AGED 49 YEARS,DALAVUPURAM
12-506, GRAMAV TEMPLE ROAD, PARASSALA.P.O
TRIVANDRUM-695502, NOW WORKING AS ELECTRICIAN
AT CHITHRANJALI OUTDOOR UNIT, KERALA
STATE FILM DEVELOPMENT CORPORATION, THIRUVALLOM.P.O
TRIVANDR
8. P.K. KARTHIKEYAN, AGED 43 YEARS,
S/O. CHATHUKUTTY, PAIKATTUKAVIL HOUSE, P.O. NELLICODE
KOZHIKODE - 673016, NOW WORKING AS
TICKET COUNTER CLERK AT KAIRALI THEATRES, KERALA
STATE FILM DEVELOPMENT CORPORATION, MAVOOR ROAD
KOZHIKODE
9. P.P. PADMANABHAN, AGED 49 YEARS,
S/O. KUNHIKRISHNAN, PUNATHUMPARAMBATH.P.O, KARUMALA
VIA BALUSSERY, KOZHIKODE-673 620
NOW WORKING AS TICKET COUNTER CLERK AT KAIRALI
SREE THEATRES, KERALA STATE FILM DEVELOPMENT
CORPORATION, MAVOOR ROAD
KOZHIKODE
10. M. MANIKANTAN, AGED 37 YEARS,
S/O.BAVA, THENGAKKOOTIL HOUSE, THANNEERPANTHAL
VENGERI, P.O. KOZHIKODE, NOW WORKING AS HEALTH
WORKER AT KAIRALI SREE THEATE, KERALA STATE FILM
DEVELOPMENT CORPORATION, MAVOOR ROAD, KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT(S):

1. KERALA STATE FILM DEVELOPMENT CORPORATION
REPRESENTED BY ITS, MANAGING DIRECTOR
VAZHUTHACAUD, TRIVANDRUM - 695 014.
2. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, CULTURAL AFFAIRS DEPARTMENT
TRIVANDRUM - 695 001.

R,R1 BY ADV. SRI.A.SUDHI VASUDEVAN, SC, KSFDC
R2 BY ADV. GOVERNMENT PLEADER SRI. P. V ELIAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

P 1: A COPY OF THE LIST SUPPLIED BY THE STATE PUBLIC INFORMATION OFFICER OF THE 1ST RESPONDENT REGARDING DAILY WAGES UNDER THE 1ST RESPONDENT

P 2: A COPY OF THE LIST OF EMPLOYEES APPOINTED AFTER 17.1.1979 THROUGH DIRECT APPOINTMENT

P 3: A COPY OF THE LETTER DATED 8.5.2007 OF THE 1ST RESPONDENT TO THE KERALA PUBLIC SERVICE COMMISSION

P 4: A COPY OF THE ORDER NO.328/C3/09/CAD DATED 19.1.2009

P 5: A COPY OF THE JUDGMENT DATED 16.12.2009 IN W.P.C NO.36411/2009

P6: A COPY OF THE GO (RT) NO.333/2011/CAD DATED 16.6.2011

P7: A COPY OF THE PAY SLIP ISSUED TO SI. NO.91 OF EXT. P 2 LIST DATED JUNE 2011

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

**PATO JUDGE
sab**

C.K. ABDUL REHIM, J.

W.P.(C). No. 18029 of 2011

Dated this the 13th day of February, 2015

J U D G M E N T

The petitioners claimed that they have completed more than 10 years of service in the 1st respondent Corporation as daily waged employees, but they were not regularised. It is complained that similarly situated other daily waged workers employed by the 1st respondent Corporation, whose names are mentioned in Ext.P2 list, were granted with increment, grade promotions etc. But such benefits are not given to the petitioners, is the grievance. Therefore, this writ petition is filed seeking declaration to the effect that the petitioners are entitled to similar benefits and seeking direction for payment of such benefits to the petitioners.

2. The reliefs mentioned as above, claimed by the petitioners, were rejected by the Government through Ext.P6 order. It is contended that stand taken by the Government in refusing to approve regularisation of the petitioners in the service of the 1st respondent is without considering relevant materials regarding their daily waged employment and that the Government have failed in taking note of the directions

issued by the Honourable apex Court in the decision **Secretary, State of Karnataka and others v. Umadevi, 2006(4) SCC 1**. Hence, the petitioners are also seeking to quash Ext.P6.

3. Learned Standing Counsel appearing for the 1st respondent Corporation submitted that a fresh proposal for regularisation of the petitioners and other provisional employees working in the Corporation has already been submitted before the 2nd respondent on 14.02.2014 and that an appropriate decision will be taken with respect to regularisation of the petitioners, subject to approval being granted by the 2nd respondent.

4. In view of the circumstances as mentioned above, learned counsel for the petitioners submits that the petitioners will be satisfied if a direction is issued to the 2nd respondent to consider the proposal and to take appropriate decision there on , without any further delay.

5. Under the above mentioned circumstances, this writ petition is disposed of by directing the 2nd respondent to consider the proposal submitted by the Managing Director of the 1st respondent Corporation, dated 14.02.2014, seeking regularisation of provisional employees, and to take an

W.P.(C). No. 18029 of 2011

appropriate decision on the request at the earliest possible, at any rate within a period of three months from the date of receipt of a copy of this judgment.

**Sd/-C.K. ABDUL REHIM,
JUDGE**

True Copy

P.A to Judge

Isn