

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 15360 of 2014 (T)

PETITIONER(S):

M. RAJESH AGED 41 YEARS
S/O. MALAN, PROCUREMENT ASSISTANT
KUTHANOOR KSHEEROLPADAKA SAHAKARANA SANGHAM, P 14(D)
APCOS, KUTHANUR, PALAKKAD
RESIDING AT KOLUMBIL HOSE, KUTHANOOR, PALAKKAD.

BY ADV. SRI.U.BALAGANGADHARAN

RESPONDENT(S):

1. THE DEPUTY DIRECTOR
DAIRY DEVELOPMENT DEPARTMENT, CIVIL STATION
PALAKKAD-678001.
2. THE SECRETARY
KUTHANOOR SKSHEEROLPADAKA SAHAKARANA SANGHAM, P 14(D)
APCOS, KUTHANUR, PALAKKAD-678721.
3. THE KUTHANOOR KSHEEROLPADAKA SAHAKARANA SANGHAM
P 14(D), APCOS, KUTHANUR
PALAKKAD, REPRESENTED BY ITS SECRETARY-678721.
4. S. JAYAN
S/O. SUNDARAN, KUNİYAMPARA, KUTHANOOR POST
PALAKKAD-678721.

R1 BY ADV. GOVERNMENT PLEADER SRI R RANJITH

R2 BY ADV. SRI.T.C.SURESH MENON

R2 BY ADV. SRI.P.S.APPU

R4 BY ADV. SRI.P.K.VIJAYAMOHANAN

R4 BY ADV. SRI.ALAN PAPALI

R4 BY ADV. SRI.GILBERT GEORGE CORREYA

R4 BY ADV. SRI.NISHIL.P.S.

R4 BY ADV. SMT.O.V.BINDU

R4 BY ADV. SRI.J.VIMAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF RELEVANT PAGE OF APPOINTMENT ORDER ISSUED TO THE PETITIONER DATED 24-5-1994.

EXHIBIT P2- TRUE COPY OF ORDER OF SECOND RESPONDENT DATED 14-6-2008.

EXHIBIT P3- TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE SECOND RESPONDENT DATED 26-3-2013.

EXHIBIT P4- TRUE COPY OF RELEVANT PAGE OF FEEDER CATEGORY RULES.

EXHIBIT P5- TRUE COPY OF LETTER OF FIRST RESPONDENT DATED 27-5-2014.

EXHIBIT P6- TRUE COPY OF LETTER OF 2ND RESPONDENT DATED 9-6-2014.

EXHIBIT P7- TRUE COPY OF REPRESENTATION TO FIRST RESPONDENT DATED 10-6-2014.

RESPONDENT(S)' EXHIBITS

EXT.R1(A): A TRUE COPY OF THE REPORT OF THE DAIRY EXTENSION OFFICER DATED 13.05.2014

EXT.R1(B): TRUE COPY OF THE COMMUNICATION DATED 23.07.2014

EXT.R4(a): TRUE COPY OF THE PETITION DATED 27.03.2013 FILED BY THE 4TH RESPONDENT BEFORE THE 1ST RESPONDENT

EXT.R4(b): TRUE COPY OF THE REPORT NO. 37/2013 DATED 25.05.2013 OF THE DAIRY EXTENSION OFFICER, ADDRESSED TO THE 1ST RESPONDENT

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 15360 of 2014

Dated this the 20th day of March, 2015

J U D G M E N T

The dispute raised is with respect to the promotion to the post of Procurement Assistant to which the petitioner and the 4th respondent raised claim. In fact, the challenge made herein is against Exts.P5 order passed by the 1st respondent. Admittedly, the same was passed without notice to the affected party, the petitioner herein. In such circumstance, the same would be set aside for violation of principles of natural justice.

2. The petitioner has a contention that he is senior to the 4th respondent and that the complaint filed is belated. These are all contentions he could urge before the original

authority.

3. In such circumstance, the 1st respondent shall consider the same afresh after also considering the maintainability as raised by the petitioner herein. The petitioner will be continued in the promoted post till a decision is taken by the 1st respondent.

Writ petition is disposed of as above.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge