

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

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

WP(C).No. 16584 of 2014 (W)

PETITIONER(S):

ANIAMMA P.M. AGED 44 YEARS
W/O. ALEX P.VARKEY, RESIDING AT PULIMOOTTIL HOUSE
PUTHERIADUKKAM P.O., NILESWARAM, KASARAGOD-671 314
WORKING AS DATA ENTRY OPERATOR
NILESWARAM MUNICIPALITY, NILESWARAM.

BY ADVS.SMT.I.SHEELA DEVI
SMT.N.P.SHIGA

RESPONDENT(S):

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
DEPARTMENT OF LOCAL SELF GOVERNMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.

2. THE SECRETARY
NILESWARAM MUNICIPALITY, KOTTAYAM-671 314.

3. PREETHA M.
DATA ENTRY OPERATOR, NILESWARAM MUNICIPALITY
NILESWARAM-671 314

4. THE CHAIRPERSON
NILESWARAM MUNICIPALITY, NILESWARAM, PIN-671 314.

R3 BY ADV. SRI.T.MADHU
R2,R4 BY ADV. SRI.SURESH KUMAR KODOTH
R BY GOVERNMENT PLEADER:SRI. S JAMAL (SR.)

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

APPENDIX

PETITIONER(S) ' EXHIBITS:

P1 : COPY OF THE SERVICE DETAILS OF THE PETITIONER.

P2 : COPY OF THE ORDER NO.IKM/ESTT/011/DEO/2011 DTD.21.2.2011 ISSUED TO THE PETITIONER.

P3 : COPY OF THE SUBMISSION OF THE PETITIONER BEFORE THE 2ND RESPONDENT.

P4 : COPY OF THE COVERING LETTER NO.IKM/ESTT/027/DEO/2011 DTD.17.11.2011 AND THE LIST OF DATA ENTRY OPERATORS APPOINTED BY INFORMATION KERALA MISSION.

P5 : COPY OF THE COVERING LETTER NO.G1-1616/12 DTD.22.3.2013 AND THE DECISION OF COUNCIL.

P6 : COPY OF THE COMMUNICATION NO.IKM/ACCTS/A6-PF/4611/12-13 DTD.3.11.2012 INFORMED THE PETITIONER.

P7 : COPY OF THE REPRESENTATION DTD.15.11.2012 SUBMITTED BY THE PETITIONER BEFORE THE EXECUTIVE CHAIRMAN & DIRECTOR.

P8 : COPY OF THE DECISION NILESWARAM MUNICIPALITY.

P9 : COPY OF THE REPRESENTATION DTD.18.6.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

P10: COPY OF THE AGENDA AND DECISION OF THE COUNCIL OF THE NILESWARAM MUNICIPALITY DTD.17.5.2014.

P11: COPY OF THE ORDER NO.IKM/ESTT/011/DEO/2011 DTD.26.7.2011 ISSUED BY THE EXECUTIVE CHAIRMAN AND DIRECTOR.

P12: COPY OF THE REPRESENTATION DTD.4.4.2013 SUBMITTED BY THE SECRETARY, IKM EMPLOYEES CONGRESS PETITIONER BEFORE THE 1ST RESPONDENT.

P13: COPY OF THE REPRESENTATION DTD.2.1.2014 SUBMITTED BY THE SECRETARY, IKM EMPLOYEES CONGRESS.

P14: COPY OF THE AGENDA OF THE MEETING SCHEDULED TO BE CONVEENE ON 30.6.2014.

P15: COPY OF THE LETTER NO.F2-8527/13 DTD.25.6.2014.

RESPONDENT(S) ' EXHIBITS:

R3(a): THE TRUE COPY OF THE ORDER DTD 18.05.2012 ISSUED BY THE LOCAL SELF GOVERNMENT INSTITUTIONS DEPARTMENT OF GOVERNMENT OF KERALA

R3(b): THE TRUE COPY OF THE ORDER DTD 11.02.2013 OF the 1st RESPONDENT

R3(c): THE TRUE COPY OF the PROCEEDINGS DTD 16.04.2008 OF THE 2ND RESPONDENT

R3 (d) : THE TRUE COPY OF THE PROCEEDINGS DTD 30.10.2010 OF THE 2nd
RESPONDENT

R3 (e) : THE TRUE COPY OF THE PROCEEDINGS DTD 23.12.2011 OF THE 2nd
RESPONDENT

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.16584 of 2014
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Dated this the 13th day of February, 2015

JUDGMENT

Petitioner is working as Data Entry Operator in the second respondent, Municipality on daily wage basis. Petitioner approached this Court threatened with termination of her service. Based on the interim order, petitioner is continuing in service.

2. It is alleged by the petitioner that in her place, third respondent is going to be appointed and submits that she being the senior, should be retained in the post.

3. Admittedly petitioner and third respondent are contract employees. Third respondent is working as D.T.P Operator in Planning and Election Datas in the same Municipality. Petitioner was in charge of Data Entry Operator in the Birth and Death and Marriage Registration. Municipality filed an affidavit. It is stated that engagement of the third respondent as DTP Operator of Planning and Election Datas will expire on 31.03.2015. It is further submitted that the third respondent was only engaged with the job of DTP Operator excluding the work of Death and Birth registration. It is further

submitted that Municipality is not intended to appoint third respondent in the duties assigned to the petitioner.

4. It seems that Municipality is not intending to extending the service of petitioner. As afore noted, term of third respondent herein will expire on 31.03.2015. If Municipality is proposed to engage any person after the term of petitioner and third respondent are over, necessarily, Municipality shall consider petitioner or third respondent for re-employment and as far as possible, the Municipality shall give first option to the petitioner and third respondent for re-employment.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.