

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 17500 of 2014 (J)

PETITIONER(S):

KAVITHAKUMARI.S., AGED 39 YEARS
D/O.SUKUMARI, KOVILVARVEEDU, ATTIPRA
KULATHOOR P.O., THIRUVANANTHAPURAM 695 583.

BY ADVS.SRI.K.S.MANU (PUNUKKONNOOR)
SRI.M.J.ABRAHAM

RESPONDENT(S):

1. SECRETARY TO GOVERNMENT
AGRICULTURAL DEPARTMENT, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2. MANAGING DIRECTOR IN CHARGE
KERALA STATE COCONUT DEVELOPMENT CORPORATION LIMITED
MAMOM, KIZHUVALAM P.O., THIRUVANANTHAPURAM-695 104.

3. GENERAL MANAGER
KERALA STATE COCONUT DEVELOPMENT CORPORATION LIMITED
MAMOM, KIZHUVALAM P.O. THIRUVANANTHAPURAM-695 104.

R2&3 BY ADV. SRI.GEORGE POONTHOTTAM, SC, KSCDC
BY GOVERNMENT PLEADER SRI.RINNY STEPHEN CHAMAPARAMBIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P-1: TRUE COPY OF THE DETAILS OF ATTENDANCE AND WAGES OF THE
PETITIONER DT.NIL

EXT.P-2: TRUE COPY OF THE NOTE BY THE 3RD RESPONDENT FOR THE MONTH
OF OCTOBER 2013 DT 31.10.13

EXT.P-3: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DT 9.12.13 OBJECTION FILED BY THE

EXT.P-4: TRUE COPY OF THE ORDER DT.27.1.14

EXT.P-5: TRUE COPY OF THE PAPER REPORT DT. 18.3.14

EXT.P-6: TRUE COPY OF THE TERMINATION ORDER DT.23.4.14 ISSUED BY
THE 2ND RESPONDENT

EXT.P-7: TRUE COPY OF THE REPRESENTATION DT.12.5.14 SUBMITTED
BEFORE THE 1ST RESPONDENT

EXT.P-8: TRUE COPY OF THE APPOINTMENT ORDER DT.8.4.13 OF THE 2ND
RESPONDENT

EXT.P-9: TRUE COPY OF THE APPOINTMENT ORDER DT.4.2.09 OF MR.FEBI

EXT.P-10: TRUE COPY OF RELEVANT PAGES OF ARTICLES OF ASSOCIATION OF
KSCDC

EXT.P-11: TRUE COPY OF THE GOVERNMENT ORDER DT.4.3.14 ISSUED BY THE
2ND RESPONDENT

EXT.P-12: TRUE COPY OF THE PAPER REPORT DT.26.6.14

EXT.P-13: TRUE COPY OF INFORMATION RECEIVED FROM THE WEBSITE

RESPONDENT(S) ' EXHIBITS:

EXT.R2(A): TRUE COPY OF THE RELEVANT PAGES OF THE STANDING ORDERS OF
THE KSCD CORPORATION

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.17500 of 2014

.....
Dated this the 30th day of June, 2015

J U D G M E N T

The petitioner, who was working as a Junior Assistant-cum-Typist on contract basis in the 2nd respondent company, was initially appointed on daily wages but later appointed on contract basis for a year. Ext.P4 dated 27.01.2014 is the appointment order whereby the petitioner was appointed on contract basis for a year. In the writ petition, the petitioner challenges Ext.P6 order dated 23.04.2014 by which the service of the petitioner was terminated on account of non-availability of vacancy inasmuch as the post of General Manager, under whom the petitioner working, was shifted to Kozhikode, thereby resulting a situation where there was no post of General Manager at the office in Thiruvananthapuram. The challenge in the writ petition is premised primarily on the ground that the 2nd respondent had no authority to pass Ext.P6 order.

2. A counter affidavit has been filed on behalf of the 2nd and 3rd respondents wherein reference is made to the Ext.R2(a) standing orders prevailing in the respondent organisations. As per the standing

orders, the services of persons appointed on short spells on temporary basis can be terminated without notice. It is the case of the respondents that the General Manager post ceased to exist in the Thiruvananthapuram office, consequent to the shifting of the post itself to Kozhikode. It was under the said circumstances, that the services of the petitioner were not required any further at the office in Thiruvananthapuram and consequently, she was served with Ext.P6 order terminating her service. It is pointed out, with reference to the specific contention of the petitioner in the writ petition with regard to competence of the 2nd respondent to issue the order of termination of service, that the 2nd respondent was appointed as a Managing Director in full additional charge of the Thiruvananthapuram office, and was, therefore, duly authorised by the memorandum of association of the company to terminate the service of an employee.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

4. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and taking note of the averments in the counter affidavit with regard to the competence of

the 2nd respondent to issue orders of termination of services of temporary employees engaged on contract basis, I am of the view that, the prayers in the writ petition cannot be granted.

Resultantly, the writ petition fails and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns