

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 17875 of 2015 (H)

PETITIONER(S)/NAME AND ADDRESS OF THE PETITIONER:

- 1. V.K.OMANAKUTTAN AGED 38 YEARS
INSPECTOR -GRADE I, OFFICE OF THE ASSISTANT COMMISSIONER
HR AND CE (A) DEPARTMENT, CIVIL STATION, PALAKKAD 678001**
- 2. KANNAN UNNI P.K
SENIOR CLERK, OFFICE OF THE ASSISTANT COMMISSIONER
HR AND CE (A) DEPARTMENT, CIVIL STATION, PALAKKAD 678001**
- 3. M.KRISHNADAS
SENIOR CLERK, OFFICE OF THE ASSISTANT COMMISSIONER
HR AND CE (A) DEPARTMENT, CIVIL STATION, PALAKKAD 678001**
- 4. M.V.SADASIVAN, JUNIOR SUPERINTENDENT
OFFICE OF THE ASSISTANT COMMISSIONER
HR AND CE (A) DEPARTMENT, CIVIL STATION, PALAKKAD 678001**
- 5. RADHIKA K
SENIOR CLERK, OFFICE OF THE ASSISTANT COMMISSIONER
HR AND CE (A) DEPARTMENT, CIVIL STATION, PALAKKAD 678001**
- 6. SUSHAMA K.K, CLERK, OFFICE OF THE ASSISTANT COMMISSIONER
HR AND CE (A) DEPARTMENT, CIVIL STATION, PALAKKAD 678001**
- 7. GIRISH.N. INSPECTOR GRADE II,
MALABAR DEVASWOM BOARD, OTTAPALAM DIVISION,
CHERPULASSERY, OTTAPALAM, PALAKKAD DISTRICT**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S)/NAME AND ADDRESS OF THE RESPONDENTS:

- 1. THE COMMISSIONER, MALABAR DEVASWOM BOARD
CIVIL STATION, KOZHIKODE 673001**
- 2. THE COMMISSIONER, HR & CE (ADMINISTRATION), CIVIL STATION
KOZHIKODE 673001**
- 3. MALABAR DEVASWOM BOARD, REPRESENTED BY
THE SECRETARY, CIVIL STATION, KOZHIKODE - 673 001**

R BY SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P1: COPY OF THE ORDER DATED 23.04.2009 ISSUED BY THE REVENUE
 (DEVASWOMS) DEPARTMENT, GOVERNMENT OF KERALA**
- EXT. P2: COPY OF THE ORDER DATED 08.06.2010 ISSUED BY THE REVENUE
 (DEVASWOMS) DEPARTMENT, GOVERNMENT OF KERALA**
- EXT. P3: COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST
 PETITIONER**
- EXT. P4: COPY OF THE REPRESENTATION SUBMITTED BY THE 3RD
 PETITIONER**

RESPONDENT'S EXHIBITS:-

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 17875 of 2015

Dated this the 22nd day of June, 2015

JUDGMENT

The petitioners, who were under the service of the Hindu Religious Charitable Endowment (Administration) Department, were deputed to the Malabar Devaswom Board. While discharging their duties in the deputed posts under the Malabar Devaswom Board, the Hindu Religious Charitable Endowment (Administration) Department was discontinued and the petitioners, thus continued to function as employees of the Malabar Devaswom Board. The grievance of the petitioners in the writ petition is with regard to the issuance of orders, whereby they have been given additional charges to function as Executive Officers in various temples, in addition to the duties that were being discharged by them pursuant to their deputation to the Malabar Devaswom Board. According to the petitioners, the nature of the duties now assigned to them are in conflict with the nature of the duties, that were being performed by them consequent to their deputation, and they will not be able to discharge both the duties simultaneously. Highlighting their grievance, two of the petitioners preferred Exts.P3 and P4 representations before the 1st respondent, which are currently pending consideration. The petitioners pray for a direction to the 1st respondent to consider the grievance of the petitioners as

highlighted in the two representations referred to above, which have been preferred by two of the petitioners, within a specified time frame.

2. I have heard the learned counsel for the petitioners as also the learned Standing Counsel appearing for the Malabar Devaswom Board.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Exts.P3 and P4 representations, by treating the same as representations preferred on behalf of all the petitioners, within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioners. I make it clear that till such time as orders are passed by the 1st respondent, as directed, and communicated to the petitioners, the petitioners shall not be called upon to discharge any additional duties, than what was being assigned to them prior to the change in duties mentioned above. The petitioners shall produce a copy of the writ petition together with a copy of this judgment before the 1st respondent for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE