

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 18540 of 2015 (N)

PETITIONER(S) :

S.RAJU, S/O.SADASIVAN NAIR,
WATCHER, KULATHUPUZHA DEVASWOM,
PUNALUR GROUP, TRAVANCORE DEVASWOM BOARD, PUNALUR,
KOLLAM, RESIDING AT KALEEKAL HOUSE, ARYANKKAVU,
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S) :

1. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY SECRETARY, NANTHANCOD, THIRUVANANTHAPURAM, PIN - 695 014.
2. THE COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, NANTHANCOD, THIRUVANANTHAPURAM, PIN - 695 014.
3. THE ASSISTANT COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, PUNALUR P.O.,
KOLLAM DISTRICT, PIN - 691 305.
- * 4. SRI.P.S.SURESH BABU,
WATCHER, SABARIMALA DEVASWOM, SABARIMALA,
PATHANAMTHITTA DISTRICT, PIN - 689 713.(CORRECTED)

THE ADDRESS OF R4 IS CORRECTED AS

4. SRI.SURESH BABU, WATCHER,
KAMUKUMCHERRY DEVASWOM, AVANEESWARAM P.O.,
PATHANAPURAM, KOLLAM.

* AS PER ORDER DATED 26.06.2015 IN I.A.NO.8800 OF 2015.

R1 TO R3 BY ADV. SRI.A.N.RAJAN BABU, S.C

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** THE TRUE COPY OF THE ORDER ROC NO:40/14/MIS-A DATED 31.05.2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXHIBIT P2:** THE TRUE COPY OF THE APPLICATION DATED 20.07.2014 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT THROUGH PROPER CHANNEL.
- EXHIBIT P3:** THE TRUE COPY OF THE JUDGMENT DATED 13.08.2014 IN W.P.(C)NO:19829/2014 OF THIS HON'BLE COURT.
- EXHIBIT P4:** THE TRUE COPY OF THE ROC NO:1/40/14/MIS.A DATED 22.11.2014 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P5:** THE TRUE COPY OF THE G.O.(P)NO:12/04/P&ARD DATED 10.09.2014 ISSUED BY THE GOVERNMENT.
- EXHIBIT P6:** THE TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT AND ITS POSTAL RECEIPT.
- EXHIBIT P7:** THE TRUE COPY OF THE JUDGMENT DATED 04.12.2014 IN W.P.(C)NO:32623/2014 OF THIS HON'BLE COURT.
- EXHIBIT P8:** THE TRUE COPY OF THE ORDER NO:4/15/MIS.I DATED 19.01.2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- EXHIBIT P9:** THE TRUE COPY OF THE JUDGMENT DATED 17.03.2015 IN W.P.(C)NO:4080/2015 OF THIS HON'BLE COURT.
- EXHIBIT P10:** THE TRUE COPY OF THE ORDER NO:ROC.402014/MIS.A DATED 04.05.2015 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P11:** THE TRUE COPY OF THE ORDER NO:ROC.30/15/MIS.A. DATED 26.05.2015 ISSUED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 18540 of 2015

Dated this the 1st day of July, 2015

JUDGMENT

The petitioner, who is working as Watcher in Punalur Group in Kollam District of the Travancore Devaswom Board , had requested for a transfer outside the group to a post at Sabarimala. When there was a non-consideration of the said request by the 2nd respondent, the petitioner approached this Court through WP(C) No.4080 of 2015, that was disposed by Ext.P9 judgment, which directed the petitioner to make a fresh request before the 2nd respondent and a further direction to the 2nd respondent to take a decision in the matter within four weeks in the light of Ext.P5 Government Order, after hearing the petitioner. It was also made clear in the said judgment that till a decision was taken in the matter, the vacancy of Watcher available in Sabarimala Devaswom shall not be filled. Pursuant to the directions of this Court in Ext.P9 judgment, Ext.P10 came to be passed by the 2nd respondent. In Ext.P10 order, the request of the petitioner for a posting at Sabarimala Devaswom has been rejected. Consequent to Ext.P10 order, by Ext.P11 order, the respondent Devaswom has issued orders posting the 4th respondent as a Watcher at Sabarimala Devaswom. In the writ petition, the petitioner impugns Exts.P10

and P11 orders.

2. I have heard the learned counsel for the petitioner and also the learned Standing Counsel for the respondent Board.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that in Ext.P10, that was passed by the 2nd respondent pursuant to the directions of this Court in Ext.P9 judgment, there is no reference to Ext.P5 Government Order, the applicability of which was directed by this Court to be considered by the 2nd respondent. Inasmuch as the 2nd respondent has not complied with the specific direction of this Court in Ext.P9 judgment to consider Ext.P5 Government Order while passing orders on the representation preferred by the petitioner, I am of the view that Ext.P10 order cannot be legally sustained. Resultantly, I quash Ext.P10 order and direct the 2nd respondent to consider the matter afresh, after hearing the petitioner and complying with the directions issued in Ext.P9 judgment. As a consequence of the decision to quash Ext.P10 order, the operation of Ext.P11 order, insofar as it relates to the 4th respondent shall also be kept in abeyance, till such time as the 2nd

W.P.(C). No. 18540 of 2015

respondent passes orders as directed in this judgment. The 2nd respondent shall pass orders, after hearing the petitioner, within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das