

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 29857 of 2005 (D)

PETITIONER(S):

**T.S.VISALAKSHI,46 YEARS,D/O.LATE
T.P.SIVARAMAKRISHNA IYER, SENIOR SUPDT. FOR
VERIFICATION OF JEWELS & VALUABLES,
HR & CE ADMINISTRATION DEPT., NOW ON DEPUTATION AS
EXECUTIVE OFFICER
SRI.THIRUPURAKKAL BHAGAVATHI TEMPLE, VADAKKANTHARA PO
VADAKKANTHARA, PALAKKAD**

BY ADV. SRI.U.BALAGANGADHARAN

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE (DEVASWOMS)
DEPARTMENT, GOVT.SECRETARIAT, TRIVANDRUM-695001.**
- 2. THE COMMISSIONER, HR&CE(ADMINISTRATION)
DEPARTMENT, CIVIL STATION, CALICUT-67020.**
- 3. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PSC BHAVAN
PATTOM PALACE.P.O., THIRUVANANTHAPURAM-695 004.**
- 4. MOHANKUMAR A, SENIOR SUPERINTENDENT,
HR & CE DEPARTMENT, ON DEPUTATION AS EXECUTIVE
OFFICER, SRI KADAMPUZHA BHAGAVATHI DEVASWOM
KADAMBUZHA.P.O., TIRUR.**
- 5. C.NARAYANANKUTTY,
SR.SUPDT.FOR VERIFICATION OF JEWELS & VALUABLES
HR & CE (ADMN.) DEPARTMENT, CIVIL STATION, PALAKKAD.**
- 6. P.P.KRISHNAN KUTTY,
SR.SUPDT.FOR VERIFICATION JEWELS AND VALUABLES
ON DEPUTATION AS EXECUTIVE OFFICER
PISHARIKKAVU TEMPLE, (PO), QUILANDY
KOZHIKKODE.**

CONTD .. 2 ..

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7. THE CONVENER,
DEPARTMENTAL PROMOTION COMMITTEE (HIGHER)
REVENUE (DEVASWOMS) DEPARTMENTS
GOVERNMENT SECRETARIAT, TRIVANDRUM-695 001.

R,R4 TO 6 BY ADV. SRI.T.P.KELU NAMBIAR (SR.)
R,R4 TO 6 BY ADV. SRI.P.G.RAJAGOPALAN
R,R4 TO 6 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR
R,R4 TO 6 BY ADV. SMT.T.RESMI DAMODARAN
R, BY ADV. GOVERNMENT PLEADER SRI. T.R. RAJESH
R, BY ADV. SRI.K.MOHANAKANNAN,SC,MALABAR DEVASWOM
R,R2 BY ADV. SRI.R.LAKSHMI NARAYANAN,SC,MALABAR DEVA
R2 BY ADV. SRI.V.KRISHNA MENON, SC, MALABAR DEVASWOM
BOARD
R2 BY ADV. SRI.KRISHNAKUMAR.S, SC, MALABAR DEVASWOM
BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1** COPY OF ADVICE MEMO NO.P4.390/80 DATED 22.4.80 ISSUED BY DISTRICT OFFICER, PUBLIC SERVICE COMMISSION, PALAKKAD TO PETITIONER.
- EXT.P2** COPY OF THE ORDER NO.HR2/5433/85(4) DATED 1.12.85 ISSUED BY THE COMMISSIONER (HR&CE (ADMN) DEPT. CALICUT TO THE PETITIONER.
- EXT.P3** COPY OF THE GAZETTE NOTIFICATION NO.DE3(2)/4072/81/EW DATED 19.5.81 ISSUED BY THE FIRST RESPONDENT.
- EXT.P4** COPY OF ORDER NO.HR.13/5970/95 DATED 7.6.99 ISSUED BY THE COMMISSIONER, HR&CE (ADMN) CALICUT TO THE ASSISTANT COMMISSIONER, HR&CE (ADMN)
- EXT.P5** COPY OF THE ORDER DATED 28.3.2000 ISSUED BY THE COMMISSIONER, HR&CE(ADMN) DEPT, CALICUT.
- EXT.P6** COPY OF THE JUDGMENT DATED 29.8.03 OF THIS HON'BLE COURT IN W.P.(C) NO.17723/03-i
- EXT.P7** COPY OF THE REPRESENTATION DATED 10.10.05 SUBMITTED BY THE PETITIONER BEFORE THE SECRETARY, DEPARTMENT OF REVENUE (DEVASWOM), GOVT. OF KEARLA.
- EXT.P8** COPY OF GO(RT) NO.4952/05/RD DATED 23.8.05 ISSUED BY THE PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE (DEVASWOMS) DEPARTMENT, GOVT, OF KERALA.
- EXT.P9** COPY OF REPRESENTATION DATED 10.10.05 SUBMITTED BY THE PETITIONER BEFORE THE COMMISSIONER, HR&CE(ADMN) DEPARTMENT, CALICUT

RESPONDENTS EXHIBITS:

- EXT.R4(A)** COPY OF ORDER NO.HR/2/1422/2001 (2) DTD. 9.3.01 OF THE COMMISSIONER H.R. & C.E)
- EXT.R4(B)** COPY OF ORDER NO.H.R.J1-1067/03 DTD.22.6.04, OF THE COMMISSIONER H.R. & C.E)

// TRUE COPY //

PA TO JUDGE.

K. VINOD CHANDRAN, J.

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Dated this the 5th day of October, 2015

J U D G M E N T

The petitioner seeks to challenge Ext.P2 seniority list of 01.12.1985 to claim promotion over and above respondents 4 to 6. The petitioner before this Court essentially challenged Ext.P8 select list of officers, but however challenge could be validly made to such select list only if the seniority indicated in Ext.P2 is upset.

2. The petitioner does not have a case that she was not aware of Ext.P2. The petitioner's contention is that the petitioner had been making representations against Ext.P2 seniority list. It is trite that unrepresented memorials cannot upset the settled seniority of persons, who have been continued for long with that seniority and then in the promoted post. The decision of the Hon'ble Supreme Court reported in **Shiba**

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held that an appropriate challenge has to be made at any rate within 3 to 4 years from the date of issuance of the seniority list. The seniority of 1985 is sought to be challenged only in the year 2005. It is also submitted by the learned Standing Counsel appearing for the respondents 4 to 6 that the petitioner has already retired.

The writ petition hence would stand dismissed. No costs.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/ 06/10 /2015

// true copy //

P.A to Judge.