

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).No. 19922 of 2015 (M)

PETITIONERS : -

1. K.C PRAKASAN, POWRNAMI, PUNNAPRA P.O.,
ALAPPUZHA-4 (RETIRED ON 31-3-2015).
2. ANIL KUMAR V. VALLATTIL,
BEYPORE, KOZHIKODE-673015.
3. GOPALAN P., PALLATH, POTTASSERY,
P.O.MANASSERY, KOZHIKODE (RETIRED ON 31-7-2012).
4. UNMESH C.M., CHUNGAPPURACKAL,
KUPPAPPURAM P.O., ALAPPUZHA-688011.
5. SARMAN K., EDACHIRAYIL HOUSE,
RAMANCHERRY, ARATTUPUZHA P.O.,
MUTHUKULAM, ALAPPUZHA-690535.
6. ANIL V., KALLAMPARAMBU, ERIKKAVU,
KARTHIKAPPALLY P.O., ALAPPUZHA.
7. SHIBU R., SOORYAMANGALAM,
KANNANMOOLA, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM-11.
8. SWAMINATHAN D., KULANGARA,
ARYAD NORTH P.O., ALAPPUZHA, (RETIRED ON 30-6-2014)
9. R.PRAKASAN, KANNITTAPARAMBU,
CIVIL STATION WARD, ALAPPUZHA.
10. PRABHAKARAN M.K., MANAYAMPARAMBIL,
NORTH ARYAD P.O., ALAPPUZHA (RETIRED ON 31-3-2013).
11. RAMACHANDRAN K., MOOLESSERIL HOUSE,
KARUVATTA NORTH P.O., ALAPPUZHA-690517.
12. RAMACHANDRAN P., KUTTICHI HOUSE,
P.O.UDUMBUMTHALA, SOUTH THRIKKARIPPUR, KASARAGOD.

13. SUKHALAL S., SUKHA BHAVANAM,
MARUTHOORKULANGARA SOUTH, ALUMKADAVU P.O.,
KARUNAGAPPALLY,KOLLAM-690573.
14. MURALI K., PRABHA BHAVANAM,
VEDARAPLAVU P.O., THAMARAKKULAM,
CHARAUMMOODU, ALAPPUZHA-690505.
15. RAMLA BEEVI H., KUTTIYIL HOUSE,
PULLIKKANAKKU P.O., KAYAMKULAM, ALAPPUZHA-690537.
16. PRIYESH KUMAR C.K., CHERIYAKADAVATH,
THUVVAKODE, CHEMANCHERRY,KOZHIKODE-673304.
17. SATHEESAN M., KALLUVALAPPIL HOUSE,
CHERUKUNNU RS P.O., KANNUR-670301.
18. SHIBU N.S., SIVA NIVAS, PATTAHIL, MANGALAM,
THUMPOLY P.O., ALAPPUZHA-688008.
19. ARUNKUMAR M., KRISHNAVILASAM,
CHANGARAM, EZHUPUNNA SOUTH P.O.,
CHERTHALA, ALAPPUZHA-688550.
20. JANCY P.G., SAI KRISHNA, C.M.C.XIV, CHERTHALA P.O.,
ALAPPUZHA-688524.
21. NISHAMOL V.P., CHERIYAPARAMBU, THYCKAL P.O.,
CHERTHALA, ALAPPUZHA-695554.
22. SREEDEVI K., SASI NIVAS, M.O.WARD (VALIYAMARAM),
ALAPPUZHA-688001.
23. SHINY P., UTHRADEM, PALLANA P.O., ALAPPUZHA.
24. REJANI P.G., THULASIPARAMBU, PUNNAPRA P.O., ALAPPUZHA-4.
25. SHAJITHA BEEGAM, KANNITTAYIL HOUSE, NEHRU TROPHY WARD,
AVALOCKKUNNU P.O., ALAPPUZHA.
26. PRAKASINI Y., ALUVILA VEEDU, THOTTARA,
AMBALATHINKALA P.O, KATTAKKADA, THIRUVANANTHAPURAM.
27. JIJI ANTONY, VATTATHIL, THUMPOLY P.O., ALAPPUZHA-688008.
28. LOUIS XAVIER, NADUVILAMURIYIL, PUNNAMADA WARD,
ALAPPUZHA (RETIRED ON 28-2-2015).
29. VIVAN P.V., PANACKALCHIRA, KUPPAPPURAM P.O., ALAPPUZHA.

30. SASI M.C., MARUTHACHIKKAL,
KUTHIRAPPANTHI WARD, THIRUVAMPADI P.O., ALAPPUZHA.
31. RAJESH KUMAR M., ROSE NIVAS, MAMBUZHAKARY,
RAMANKARY P.O., ALAPPUZHA-689595.
32. PRAJEESH P., PRAJEESH BHAVAN,
CHINGOLI P.O., ALAPPUZHA-690532.
33. SUBRAMANYAN P., MARUTHACHIKKAL, KUTHIRAPPANTHY WARD,
THIRUVAMPADY P.O., ALAPPUZHA.
34. ABHILASH K.S., KATTUNKAL HOUSE,
THONDANKULANGARA WARD, AVALOOKKUNNU P.O., ALAPPUZHA.
35. CHANDRAN L., NIKARTHIL VEEDU, PALLITHODU P.O., \
CHERTHALA, ALAPPUZHA.
36. JAYAPRASAD, VAYALATTUTHARA,
VAYALAREAST P.O., CHERTHALA,
ALAPPUZHA (RETIRED ON 30-11-2013).
37. VINOD N., PARAMBIL HOUSE,
MARUTHOORKULANGARA SOUTH, ALUMKADAVU P.O., \
KARUNAGAPPALLY, KOLLAM-690573.
38. RAJU C., ANANTHU BHAVAN,
NORTH ARYAD P.O., ALAPPUZHA.
39. BEENA K.V., VELIMPARAMBU,
KOMALAPURAM, AVALOOKKUNNU P.O.,
SOUTH ARYAD, ALAPPUZHA.
40. SUJATHA V., PUTHANVALAPPU,
PARAVOOR, ALAPPUZHA.
41. PREETHA A.P., ALUMPARAMBIL HOUSE,
KUPPAPPURAM P.O., ALAPPUZHA.
42. PUSHPAMMA L., VADAKKETHAICHUPARAMBU,
THIRUMALA BHAGAM P.O., THURAVOOR, ALAPPUZHA.
43. SAJIMOL P.R., NIKARTHIL, VARANADU P.O.,
CHERTHALA, ALAPPUZHA.
44. OMANA V.P., KIZHAKKEMANGALAM,
ARATTUVAZHY P.O., ALAPPUZHA.
45. PRABHAVATHY V.T., VADAKKEPARAMBU,
PUNNAPRA P.O., ALAPPUZHA.

46. BABY K.C., KIZHAKKEVELIYIL,
SOUTH ARYAD, AVALOOKKUNNU P.O., ALAPPUZHA.

47. SUMANGALADEVI B.N.,
VRINDAVANAM HOUSE, PALOTTUKONAM,
PULIVEEDU WARD, POTHANKODU P.O.,
THIRUVANANTHAPURAM.

BY ADVS.SRI.M.V.BIPIN
SMT.A.S.BEENU

RESPONDENTS : -

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF CO-OPERATION,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.

2. DIRECTORATE OF COIR DEVELOPMENT,
MANI BHAVAN, SASTHAMANGALAM,
THIRUVANANTHAPURAM-695010
REPRESENTED BY ITS DIRECTOR.

3. THE KERALA STATE CO-OPERATIVE COIR MARKETING FEDERATION
LTD.NO.679 (COIRFED), P.B.NO.4616,
ALAPPUZHA-688012
REPRESENTED BY ITS MANAGING DIRECTOR.

R3 BY ADV.SRI.JOBY CYRIAC, SC, COIRFED
BY SPL. GOVERNMENT PLEADER SRI. D. SOMASUNDARAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-07-2015, ALONG WITH WPC. 17399/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

WP(C).No. 19922 of 2015 (M)

APPENDIX

PETITIONERS' EXHIBITS : -

EXT.P1 : TRUE COPY OF THE DECISION NO.16 OF THE BOARD MEETING OF
THE 3rd RESPONDENT FEDERATION DATED 11-5-2011.

EXT.P2 : TRUE COPY OF THE ORDER NO.CS/MD/2011/2012/15 DATED
18-5-2011 ISSUED BY THE 3rd RESPONDENT.

EXT.P3 : TRUE COPY OF THE REPRESENTATION DATED 15-4-2015
SUBMITTED TO THE 3rd RESPONDENT WITH A COPY TO THE 2nd
RESPONDENT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 19922 of 2015

&

W.P.(c) No. 17399 of 2015

Dated this the 09th day of July, 2015

JUDGMENT

Since both the writ petitions involve the workers of the third respondent Federation, which is an Apex Co-operative Society, this Court disposes of both the writ petitions through a common judgment.

2. Except petitioners 1, 3, 8, 10, 28 and 36, the rest of the petitioners in W.P. (C) No. 19922/2015 and the solitary petitioner in W.P. (C) No. 17399/2015 are still working in the third respondent organization as workers, whereas the other respondents have retired from service.

3. Having initially been appointed on different dates as daily wagers a couple of decades ago, most of the petitioners had their services regularized in course of time. Their singular grievance is that though Exhibit P2 regularization order in W.P. (C) No. 19922/2015 does not mandate period of probation to be undergone as a pre-condition for

regularization, the third respondent has withheld increments due to them, without any justification.

4. In response to the submissions made by the learned counsel for the petitioners, the learned counsel for the third respondent has submitted that there is no denying the fact that most of the petitioners have been working for the past more than two decades and that Exhibit P2 order does not impose any restriction concerning those the petitioners undergoing any mandatory probation period. He has, however, further submitted that to resolve the issue, the third respondent has already sent a communication to the first respondent seeking clarification whether the petitioners could be paid the increments without insisting on their undergoing the probation. According to him, once the third respondent receives the clarification from the first respondent it will proceed further to redress the grievance of the petitioners.

5. The learned Government Pleader, on his part, has submitted that the Government is not sure whether any representation has been received by it from the third respondent. Nevertheless, he has submitted that the

statutory position is clear that the petitioners need not undergo any probation and that the third respondent can as well grant them the increments which are due to them. He has said that instead of going through the rigmarole of the Government clarifying the issue, this Court may as well record his statement as the version of the first respondent and adjudicate the issue accordingly.

6. In the facts and circumstances, especially going by the submissions made by the learned Government Pleader, I do not see any issue remaining to be adjudicated upon. Accordingly, this Court disposes of the writ petition with a direction to the third respondent to consider the case of the petitioners in both the writ petitions positively in terms of the clarification made by the first respondent through the learned Government Pleader and complete the process as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

With the above observations, these writ petitions are disposed of. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE

DMR/-