

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 20129 of 2015 (M)

PETITIONERS:

1. M.S. VINOD, MADAVANA HOUSE,
AROOR PO, ALAPPUZHA 688 534.
2. DHANANJAYAN, VATTAPARAMBU,
ERAMALLOOR PO, ALAPPUZHA 688 537.
3. JAYACHANDRAN.V., RATNALAYAM,
PUTHUCHIRA, AMBALAPPUZHA PO,
ALAPPUZHA 688 561.
4. SHIBU.C.N.,CHOKKITTEMVELI HOUSE,
PERUMBALAM PO, CHERTHALA,
ALAPPUZHA 688 570.
5. E.S.RAJENDRAN, ETHAVARAMBU,
PURAKKADU PO, ALAPPUZHA 688 561.

BY ADVS.SRI.DIPU.R
SRI.SANAL P.RAJ
SRI.K.S.BAIJU

RESPONDENTS:

1. STATE OF KERALA BY AND THROUGH ITS SECRETARY,
DEPARTMENT OF AGRICULTURE(DIARY),
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 001.
2. KERALA CO-OPERATIVE MILK MARKETING FEDERATION
LTD. (MILMA), MILMA BHAVAN, PATTOM PALACE PO,
THIRUVANANTHAPURAM 695 004.
3. GENERAL MANAGER, KERALA CO-OPERATIVE MILK
MARKETING FEDERATION LTD., CATTLE FEED PLANT,
PATTANAKKAD PO, CHERTHALA, ALAPPUZHA 688 531.

R1 BY GOVERNMENT PLEADER SRI.K.C.VINCENT
R2 & R3 BY SMT.LATHA KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 20129 of 2015 (M)

PETITIONER'S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE APPOINTMENT ORDER PER:23:88/7998
DATED 4/2/2014 ISSUED TO THE 1ST PETITIONER

EXHIBIT P2 TRUE COPY OF THE APPOINTMENT ORDER PER 14:90/7575
DATED 17/1/2014 ISSUED TO THE 5TH PETITIONER

EXHIBIT P3 TRUE COPY OF THE G.O.(MS)98/2006/AD DATED 31/10/06

EXHIBIT P3A TRUE TYPED COPY OF EXT. P3

EXHIBIT P4 TRUE COPY OF THE NOTICE BEING NO.CFPT/P&A/201/2015
DATED 26/6/2015

EXHIBIT P4A TRUE COPY OF ENGLISH TRANSLATION OF EXT.P4

EXHIBIT P5 TRUE COPY OF REPRESENTATION DTED 30/6/2015

EXHIBIT P6 COPY OF THE REPRESENTATION DATED 30/6/2015

EXHIBIT P6A TRUE TRANSLATION OF EXHIBIT P6.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.20129 of 2015 M

Dated this the 3rd day of July, 2015

JUDGMENT

Heard the learned counsel for the petitioners and the learned Standing Counsel for respondents 2 and 3, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Through Exhibit P4, the petitioners, who are said to be the contract workers, were asked not to report for duty from 29.06.2015. It is the contention of the petitioners that though Exhibit P4 notice was dated 26.06.2015, it was communicated to them only on 29.06.2015. According to the learned counsel for the petitioners, on earlier occasion this Court allowed two batches of similarly placed workers to continue in service until their representations are

considered by the authorities for their regularisation. According to him, the petitioners cannot be discriminated against and they should be meted out the same treatment.

3. The learned Standing Counsel for respondents 2 and 3 has submitted that in the previous two instances, the contract workers approached this Court before their services could be terminated. He has further submitted that in the present instance, the candidates sponsored by the Employment Exchange have already joined duty in the place of the petitioners. According to him, already 130 persons have been working in the place of required strength of 100.

4. Be that as it may, there shall be a direction to respondents 2 and 3 to allow the petitioners to continue in service notwithstanding Exhibit P4, if no other candidate sponsored by the Employment Exchange has already been appointed in their place. In such an event, their continuation shall be until their representations are

considered and disposed of in terms of the directions given by this Court in W.P.(C)Nos.13538/2015 and 15883/2015. If the candidates sponsored by the Employment Exchange have already reported to duty, respondents 2 and 3 are still required to consider the petitioners' representations in accordance with law.

With the above direction, the writ petition stands disposed of.

Dama Seshadri Naidu, Judge

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