

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 24989 of 2009 (P)

PETITIONER(S):

1. ABHILASH.M.N, AGED 18 YEARS,
S/O.NARAYANAPANICKER, MALIYEKKAL PUTHAN VEEDU
AYMANAM P.O., KOTTAYAM.
2. NARAYANAPANICKER, AGED 78 YEARS,
S/O.PARAMESWARAPANICKER, MALIYEKKAL PUTHAN VEEDU
AYMANAM P.O., KOTTAYAM.

BY ADV. SRI.VIJAI MATHEWS

RESPONDENT(S):

1. DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM.
2. ASSISTANT DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, KOTTAYAM.
3. SUB GROUP OFFICER,
AYMANAM DEVASWOM OFFICE, TRAVANCORE DEVASWOM, BOARD
AYMANAM, KOTTAYAM.
4. B.VINOD, AGED 38 YEARS,
S/O.BALAKRISHNA PANICKER, THINAKKEVAYALIL
AYMANAM P.O., KOTTAYAM.

R,R1 TO 3 BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.)

R,R1 TO R3 BY ADV. SRI.P.GOPAL

R,R4 BY ADV. SRI.N.UNNIKRISHNAN

R1 TO 3 BY ADV. SRI.A.N.RAJAN BABU, SC, TRAVANCORE DEVASWOM
BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 24989 of 2009 (P)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE LETTER DT 31.05.1994

EXT.P2: COPY OF THE LETTER DT NIL

EXT.P3: A COPY OF THE LETTER DT 1.2.2008

EXT.P4: A COPY OF THE LETTER DT 19.02.2008

EXT.P5: COPY OF THE JUDGMENT IN WPC 22615/2008 DTD 28.7.2008

RESPONDENTS EXHIBITS : NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No.24989 of 2009

Dated this the 15th day of September, 2015

J U D G M E N T

The petitioners are aggrieved with the continuance of the 4th respondent as a “Karanma Sambandhi” in Ayamanam Sree Narasimha Temple, Kottayam. The 2nd petitioner, the father of the 1st petitioner was admittedly holding the post and superannuated on 31.05.1994, when the Sub Group Officer of the Board, the 3rd respondent herein, by Ext.P1 directed him to make a nomination from the family. By Ext.P2, the 2nd petitioner nominated the 4th respondent, his sister's son.

2. The 4th respondent was appointed regularly to the post. The 4th respondent however, was terminated from service in the year 2008 and by Ext.P3, again the 3rd respondent asked for a nomination from the 2nd petitioner. The 2nd petitioner then, nominated the 1st petitioner. Admittedly, at that point of time, the 1st petitioner had not attained majority. The 1st petitioner was

asked by the Board to produce certificate in proof of age. As is stated in paragraph 7 of the counter affidavit the 1st petitioner was directed to produce the documents establishing “Karanma Sambandhi” right of the family, certificate from Tahsildar that the 2nd petitioner is the senior most male member of the “Karanma” family and the nomination from the senior most member in a stamp paper as also conduct certificate and age proof. The 1st petitioner or the 2nd petitioner failed to produce any of the said documents.

3. While the matter was pending so, the 4th respondent moved this Court with an application for consideration of a representation which was directed by Ext.P5. On consideration of the representation, the 4th respondent was reinstated in service on 13.07.2009 as per Ext.R4(B). Though the petitioner submits that the petitioner had not been a party to the proceedings, the petitioner was send out of service on the 4th respondent being reinstated. Necessarily, if the petitioner had such a contention, the

petitioner ought to have challenged the reinstatement of the 4th respondent.

4. The contention that Ext.P2 was a temporary arrangement cannot be countenanced, since there is no provision for making such a temporary arrangement unless the absence of the “Karanma Sambandhi” is of a temporary nature.

5. Herein the 2nd petitioner was superannuated on 31.05.1994 and the 2nd petitioner could have nominated only a major member of the family to be appointed as Karanma Sambandhi. The 2nd petitioner having nominated the 4th respondent cannot take a contention that the said nomination was only for a period till the 2nd petitioner's son, the 1st petitioner attained majority. Though the 1st petitioner could have taken a contention that the 1st petitioner was appointed on a nomination made properly, when the 4th respondent was terminated, it is to be noticed that the 1st petitioner's appointment in 2008 was irregular insofar as he had not attained majority at that point of time and

had not produced the documents directed to be produced. Hence the 1st petitioner's appointment cannot be said to be regularly effected.

For all the reasons stated above, writ petition is devoid of merit and the same would stand dismissed. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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P.A to Judge