

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 23739 of 2014 (N)

PETITIONER

**P.NARAYANAN NAMBOODIRI , AGED 63 YEARS
S/O.SANKARAN NAMBOODIRI, 'SANTHI'
PRAYANGOD SIVA KSHETRAM, KANNAPURAM, CHUNDA
P.O.MOTTAMMAL, (VIA) CHERUKUNNU, KANNUR DISTRICT.**

**BY ADVS.SRI.E.N.VISHNU NAMBOODIRI
SRI.P.P.NARAYANAN
SRI.P.SANKARAN NAMBOODIRI
SRI.S.P.SURESH KUMAR**

RESPONDENTS:

- 1. THE MANAGER, SREE PRAYANGOD SIVA TEMPLE
KANNAPURAM, KANNUR DISTRICT - 670 004.**
- 2. THE TRUSTEE
NADUVIL MADAM DEVASWOM, NADUVIL MADOM
PAZHAYA NADAKKAVU, THEKKEMADAM ROAD, THRISSUR -680 001.**
- 3. THE MANAGER
NADUVIL MADAM DEVASWOM, POONGHATTU MANA, ANJOOR
THOZHIYOOR POST, KUNNAMKULAM, THRISSUR -680 520.**

***. ADDL. R4 IMPEADED**

*** ADDL.R4 THE MANAGER DEVASWOM BOARD, REPRESENTED BY ITS
COMMISSIONER, ERANHIPALAM P.O, KOZHIKODE -673006**

IS IMPEADED AS PER ORDER DATED 6-2-2015 IN I.A. NO.337/2015

**R3 BY ADV. SRI.BINOY VASUDEVAN
R3 BY ADV. SMTP.G.BABITHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE APPOINTMENT ORDER DATED 17.12.2004
ISSUED BY RESPONDENTS TO THE PETITIONER**
- EXT.P-2: TRUE COPY OF THE JUDGEMENT DATED 14.7.2014 IN WPC
NO.13404/2012 OF THIS HON'BLE COURT.**
- EXT.P-3: TRUE COPY OF THE RELEVANT PAGES OF THE
REPRESENTATION DATED 1.8.2014 FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT**
- EXT.P-4: TRUE COPY OF THE JUDGEMENT DATED 26.5.2014 IN WPC
NO.20023/2012 OF THIS HON'BLE COURT.**
- EXT.P-5: TRUE COPY OF THE RELEVANT PAGES OF THE
REPRESENTATION DATED 7.7.2014 SUBMITTED BY THE
PETITIONER BEFORE THE RESPONDENTS**
- EXT.P-6: TRUE COPY OF THE ORDER DATED 25.8.2014 OF THE
RESPONDENTS WITH MINUTES OF CONNECTED PROCEEDINGS
DATED 22.7.2014**
- EXT.P-7: TRUE COPY OF THE JUDGEMENT DATED 24.6.2014 IN
W.A.NO.827/2014 OF THIS HON'BLE COURT.**
- EXT.P-8: TRUE COPY OF THE SCHEDULE SHOWING THE DETAILS OF
SALARY ARREARS DUE TO THE PETITIONERS FROM THE
RESPONDENTS.**
- EXT.P9 COPY OF APPLICATION SUBMITTED BY SREEKUMARAN
NAMBOODIRE FORMER SANTHI OF THE TEMPLE,
CONTAINING THE DECISION OF RESPONDENTS NOTED IN IT
DATED 1-1-1997**
- EXT.P10 COPY OF THE JUDGMENT IN W.P.C. NO.34282/2003 OF THIS
HONOURABLE COURT DATED 9-2-2004**
- EXT.P11 COPY OF THE APPLICATION SUBMITTED BY FATHER OF
FORMER SANTHI SREEKUMARAN NAMBOODIRI TO ASSISTANT
COMMISSIONER, H.R.& C.I DATED 21-4-2004**
- EXT.P12 COPY OF SCHEDULE OF SALARY DATED 9-1-2004**

- EXT.P13** **COPY OF RELEVANT PAGES OF DOCUMENT NO.1142/1949 OF KALLYASSERI SUB REGISTRAR'S OFFICE**
- EXT.P14** **COPY OF THE LETTER DATED 18-5-2009 OF MALABAR DEVASWOM COMMISSIONER.**
- EXT.P15** **COPY OF THE REPLY DATED 27-7-2009 SUBMITTED by the RESPONDENT TO EXT.P14**
- EXT.P16** **COPY OF THE DISMISSAL ORDER OF FORMER SANTHI DATED 15-4-2005**
- EXT.P17** **COPY OF THE ENQUIRY REPORT PREPARED BY THE ENQUIRY OFFICER**
- EXT.P18** **COPY OF the JUDGMENT DATED 2-11-2011 IN W.P(c) NO.5994/2011 OF THIS HON'BLE COURT.**
- EXT.P19** **COPY OF THE ORDER DELIVERED IN A.P 5/2007 BY THE COMMISSIONER, MALABAR DEVASWOM**
- EXT.P20** **COPY OF THE ORDER DATED 26-12-2011 ISSUED BY THE RESPONDENTS**
- EXT.P21** **COPY OF THE REPRESENTATION DATED 20-1-2012 SUBMITTED BY THE FORMER SANTHI BEFORE RESPONDENTS**
- EXT.P22** **GUIDELINES REGARDING THE TRANSFER OF TEMPLE EMPLOYEES COMING UNDER TRAVANCORE DEVASWOM.**

RESPONDENT(S)' EXHIBITS

- EXT.R3(A)** **COPY OF R.P NO.30/2014 PENDING BEFORE THE COMMISSIONER, MALABAR DEVASWOM BOARD.**

TRUE COPY

P.A TO JUDGE

SMM

A.MUHAMED MUSTAQUE, J.

.....
WP(C).No. 23739 of 2014

.....
Dated this the 6th day of February, 2015.

J U D G M E N T

The petitioner is the Santhi of Prayangod Siva Temple from 1-12-2004. He was appointed to the post after the dismissal of the former Santhi - Sreekumaran Namboodiri from the said post. Sreekumaran Namboodiri made a claim for appointment as Santhikaran and he alleges that he was illegally dismissed from the post of Santhikaran and made a request for reinstatement. This was not considered by the Temple authorities. Accordingly he approached this Court.

2. This Court directed the third respondent to consider the claim of Sreekumaran Namboodiri after hearing the petitioner herein. Thereafter Ext.P6 order was passed. The claim of Sreekumaran Namboodiri and the petitioner herein have been declined by the third respondent.

3. Challenging Ext.P6 order Sreekumaran Namboodiri approached Commissioner, Malabar Devaswam Board in R.P No.30/2014. It is submitted by

the learned counsel for the third respondent that above revision is pending.

4. However the petitioner did not choose to file a revision against Ext.P6 order. He has approached this Court stating that he was reserved with liberty to approach this Court as per the judgment of this Court in Ext.P4.

5. Admittedly, the matter is pending before the statutory authority in revision. This Court did not reserve any right to the petitioner to approach this Court again if aggrieved by any order passed by the authority. On the other hand, the petitioner is given opportunity to challenge the final decision in any manner, if he is aggrieved. The petitioner has to invoke his alternate remedy by filing revision before the Commissioner, Malabar Devaswam Board . However, in view of the fact that there is already a revision pending by Sreekumaran Namboodiri, Commissioner shall also advert to the claim of the petitioner for regularisation of service. Merely because the petitioner has not chosen to file a revision

does not mean that the petitioner has abandoned his right. Therefore even without filing revision, petitioner's claim shall also be considered while deciding R.P No.30/2014.

Therefore there shall be a direction to Malabar Devaswam Board, Kozhikode to dispose of R.P No.30/2014 within a period of two months after hearing Sri. Sreekumaran Namboodiri and the petitioner herein and also Temple authorities. Till a decision is taken by the Commissioner, Malabar Devaswam Board, Kozhikode in R.P No.30/2014 the petitioner shall be permitted to continue, if he is otherwise working as Shanthi.

The writ petition is disposed of.

**A.MUHAMED MUSTAQUE,
(Judge)**

smm