

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 24981 of 2015 (W)

PETITIONER:

**ASHA DEVI AGED 47 YEARS
W/O. OMANAKUTTAN, KOTTIYAM PARAMBIL HOUSE
CHOTTANIKKARA P.O., ERNAKULAM - 682 312.**

**BY ADVS.SRI.PAUL K.VARGHESE
SMT.A.A.GEETHA**

RESPONDENTS:

- 1. THE COCHIN DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, DEVASWOM BUILDING
THRISSUR - 680 001.**
- 2. THE PRESIDENT COCHIN
DEVASWOM BOARD, DEVASWOM BUILDING, THRISSUR - 680 001.**
- 3. THE DEVASWOM ASSISTANT COMMISSIONER
CHOTTANIKKARA - 682 312.**

R1 BY ADV. SRI.KRISHNA MENON, SC, COCHIN DEVASWOM BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- P1 - A TRUE COPY OF THE JUDGMENT IN WPC NO. 26799/14 OF THIS COURT DT. 28.11.2014.**
- P2 - A TRUE COPY OF THE PROCEEDINGS NO. M6-12410/14 OF THE SECRETARY COCHIN DEVAWOM BOARD DT. 04.4.2015.**
- P3 - A TRUE COPY OF THE APPLICATION SUBMITTED BY SRI.VIVEK OMANAKUTTAN TO THE BOARD DT. 18.6.2015.**
- P4 - A TRUE COPY OF THE ANSWER GIVEN BY THE PUBLIC INFORMATION OFFICER CHOTTANIKKARA DEVASWOM DT. 14.7.2015.**
- P5 - A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DT. 05.8.2015.**
- P6 - A TRUE COPY OF THE ORDER NO.M.6-12410 ISSUED BY THE DEPUTY SECRETARY, COCHIN DEVASWOM BOARD DATED 4.4.2015**
- P7 - A TRUE COPY OF THE DETAILS OF THE NEWLY APPOINTED DAILY WAGES EMPLOYEES ISSUED BY THE APPELLATE OFFICER, DEVASWOM ASST. COMMISSIONER, THIRUVACHIKULAM DATED 22.7.2015**
- P8 - A TRUE COPY OF THE APPOINTMENT OF THE DAILY WAGES EMPLOYEES IN CHATTANIKKARA BY THE 1ST RESPONDENT BOARD DATED 14.7.2015**

RESPONDENT(S)' EXHIBITS

ANNEXURE A TRUE COPY OF THE ORDER DATED 16.9.2015

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 24981 of 2015 (W)

Dated this the 15th day of December, 2015

J U D G M E N T

The petitioner in the above writ petition seeks for monthly salary of Rs.9,000/-, which the petitioner contends is given to the daily wage employees for the very same work under the Devaswom.

2. The petitioner earlier had approached this Court with a claim for employment as daily wage worker. This Court directed consideration of the same by Ext.P1 judgment. The Board having considered it, declined the request of the petitioner by Ext.P2.

3. The petitioner, admittedly, was employed as casual labourer for cleaning work in the temple, when need arises. The Board also, in Ext.P2, agreed that the increase of the allowance would be considered. The

Board has now considered it and has passed Annexure A order by which all casual employees, termed 'Mazdoors', employed in the Devaswom Board has been granted an increase of Rs.500/- per month. The petitioner, a casual employee, according to the learned Standing Counsel, is paid in accordance with such increased remuneration, when she is engaged.

4. The petitioner claims that many persons have been appointed in the temples under the Devaswom on daily wage basis, as is indicated at Ext.P7. The petitioner also contends that the petitioner, on that basis, is entitled to Rs.9,000/- per month. It is to be noticed that the petitioner is not even a daily wage employee and the petitioner's request to be posted as a daily wage employee was rejected as per Ext.P2, which is not challenged herein.

5. The learned Standing Counsel submits that the petitioner is employed only as when need arises and allowance is paid as determined by the Board. The discrepancy with respect to the wages, as indicated in Ext.P7, would presumably be on account of the extend of the area of the premises of the temple which needs cleaning.

6. In such circumstance this Court is unable to grant the relief prayed for by the petitioner for grant of monthly salary of Rs.9,000/-, especially when the petitioner is not even employed as a daily wage worker. The petitioner's casual employment shall be governed by the orders of the Board.

The writ petition would stand dismissed in limine.

Sd/-
K.VINOD CHANDRAN,
JUDGE