

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 32574 of 2007 (C)

PETITIONER(S):

**P.NIRMALA, PART TIME SWEEPER,
EVDA HOSPITAL, THRISSUR, RESIDING AT
MULLAKAT HOUSE, KUTTUMUKKU, P.O.RAMAVARMAPURAM
THRISSUR.**

**BY ADVS.SRI.P.RAMAKRISHNAN
SMT.PREETHI RAMAKRISHNAN**

RESPONDENT(S):

- 1. KERALA HEALTH RESEARCH & WELFARE SOCIETY
GENERAL HOSPITAL CAMPUS, RED CROSS ROAD
THIRUVANANTHAPURAM-37, REPRESENTED BY THE
MANAGING DIRECTOR.**
- 2. THE REGIONAL ENGINEER,
KERALA HEALTH RESEARCH & WELFARE SOCIETY
DISTRICT HOSPITAL, THRISSUR.**

**R,R1 BY ADV. SRI.M.AJAY,SC,KERALA HEALTH RESEARCH&WE
R BY GOVERNMENT PLEADER SRI ABHIJETT LESSIL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

kkj

WP(C).No. 32574 of 2007 (C)

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1: TRUE COPY OF ORDER DATED 22.06.1991 ISSUED BY THE 1ST
RESPONDENT**
- EXT.P2: TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED
07.08.2006**
- EXT.P3: TRUE COPY OF THE LETTER DATED 25.10.2007 FROM THE 1ST
RESPONDET TO THE 2ND RESPONDENT**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

PA TO JUDGE

K.SURENDRA MOHAN, J.

W.P.(C) No.32574 of 2007

Dated this the 19th day of March, 2015

J U D G M E N T

The petitioner has filed this writ petition seeking the following reliefs:-

- a) A writ of certiorari or other appropriate writ or order quashing and setting aside Exhibit P-3,
- b) Hold that the petitioner is entitled to continue in service till completion of 70 years of age in accordance with Rule 15 of the Special Rules for Part time contingent Service,
- c) Issue a writ of mandamus or other appropriate writ or order directing the respondents to reinstate the petitioner with continuity of service and back wages, and
- d) issue such other writ, order or direction as are deemed just and proper on the facts and circumstances of the case.

2. When this case is taken up today, the counsel for the petitioner has handed over to me copy of a communication received from the first respondent permitting the petitioner to continue in service up to 70 years. The communication reads as follows:-

-:2:-

W.P.(C) No.32574 of 2007

Ref No.A6/1250/07/KHRWS

Date: 7.12.2007

To

The Regional Engineer,
K H R W S
Thrissur

Sir,

Sub:-Permission to continue to the service of the
part-time Sweeper in KHWRS-Reg.

Ref: (1) This office letter even No.dated 25.10.07
(2) GOP No.152/75/PD dated 2.8.75

As per the Government order 2nd cited there is a standing instruction to continue the part time cleaner upto the age of 70 years. In the light of the above, sanction is also accorded herewith to continue the Part time Sweeper Smt. P.Nirmala RVDA Hospital, Thrissur upto in age of 70 years.

Your's faithfully,

Managing Director

Copy to

Smt.P Nirmala,
Part-time Sweeper
RVDA Hospital, Thrissur.

In view of the above communication, no further orders are necessary to be issued in this writ petition. This writ petition is therefore disposed of in terms of the communication which is recorded.

Sd/-
K.SURENDRA MOHAN,
JUDGE

kkj