

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 28296 of 2014 (J)

PETITIONER(S):

1. RAJENDRAN K
S/O.JAYAKUMARI, ABHI AJI BHAVAN, ETC P.O.
KOTTARAKKARA, KOLLAM-691 531.

2. MANI.K.
S/O.KUNJIRAMAN, UZHALOTTU MELATHIL, PUTHENVEEDU
ETC P.O., KOTTARAKKARA, KOLLAM-691 531.

BY ADVS.SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS
SRI.SANDEEP GOPALAKRISHNAN

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
RURAL DEVELOPMENT DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.

2. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY (LSGD)
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

3. THE COMMISSIONER OF DEVELOPMENT
COMMISSIONERATE, I.M.S.COMPOUND
THIRUVANANTHAPURAM-695 033.

4. THE PRINCIPAL
EXTENSION TRAINING CENTRE
EXTENSION TRAINING CENTRE P.O., KOTTARAKKARA
KOLLAM-691 531.

5. THE FARM MANAGER
EXTENSION TRAINING, CENTRE P.O., KOTTARAKKARA
KOLLAM-691 531.

R1-5 BY ADV. GOVERNMENT PLEADER: SMT. M J RAJASREE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXT.P1.TRUE COPY OF THE CONSOLIDATED SERVICE DETAILS OF THE PETITIONERS PREPARED BY THE 5TH RESPONDENT

EXT.P1(A).TRUE COPY OF THE ENGLISH TRANSLATION OF THE EXT.P1 ONLY WITH THE NAMES OF THE PETITIONERS HEREIN.

EXT.P2.TRUE COPY OF THE ORDER NO.TC NO.3/119/2000 DATED 29/12/2005 ISSUED BY THE 4TH RESPONDENT

EXT.P2(A).TRUE COPY OF THE ENGLISH TRANSLATION OF THE EXT.P2.

EXT.P3.TRUE COPY OF THE ORDER NO.9079/ESTT. B4/2003/CRD DATED 20/12/2005 OF THE 2ND RESPONDENT

EXT.P3(A).TRUE COPY OF THE ENGLISH TRANSLATION OF THE EXT.P3

EXT.P4.TRUE COPY OF THE JUDGMENT DATED 6/4/2005 IN WPC NO.11610/2005.

EXT.P5.TRUE COPY OF THE G.O.ORDER (RT) NO.2664 DATED 18/12/2008 OF THE 1ST RESPONDENT

EXT.P5(A).TRUE COPY OF THE ENGLISH TRANSLATION OF THE EXT.P5

EXT.P6.TRUE COPY OF THE G.O.(NORMAL) NO.2207/2010/AGRL. DATED 14/12/2010 OF THE 1ST RESPONDENT

EXT.P6(A).TRUE COPY OF THE ENGLISH TRANSLATION OF THE EXT.P6

EXT.P7.TRUE COPY OF THE ACKNOWLEDGEMENT LETTER ISSUED BY THE CHIEF MINISTER'S OFFICE.

EXT.P7(A).TRUE COPY OF THE ENGLISH TRANSLATION OF THE EXT.P7

EXT.P8.TRUE COPY OF THE ORDER NO.TC1-237/2013 DATED 8/10/2014 ISSUED BY THE 4TH RESPONDENT

EXT.P8(A).TRUE COPY OF THE ENGLISH TRANSLATION OF THE EXT.P8

RESPONDENT(S) ' EXHIBITS:

EXT R4(a): TRUE COPY OF THE LETTER DTD 09.06.2008

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.28296 of 2014
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Dated this the 12th day of February, 2015

JUDGMENT

Petitioners entered in the service of Extension Training Centre under Rural Development Department on daily wages. Petitioners case is that similarly placed casual employees were regularized by Exts.P2 and P3 orders. Petitioners rely on Exts.P5 and P6 and submit that there was a decision by the Government to employ casual labourers on rotation basis in permanent posts. However overlooking this Government order, it is submitted that by Ext.P8 order Principal of Extension Training Centre made a request to take candidates from the Employment Exchange. Petitioners submit that this is against Ext.P5, this was later modified by Ext.P6.

2. It is obvious that while taking decision as per Ext.P8 by the Principal of Institute, the order passed by the Government was not adverted. Petitioners have highlighted their grievance and made a representation before the second respondent. Ext.P7 is the acknowledgment of representation.

3. In the facts and circumstances, there shall be a direction to the second respondent to take appropriate decision in the matter within a period of two months from the date of receipt of a copy of

this judgment after adverting to Exts.P5 and P6 and after affording an opportunity of hearing to the petitioners and 4th respondent. Till a decision is taken by the second respondent, interim order passed by this Court will continue.

The Writ Petition is disposed of. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/18/02/15