

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 28167 of 2015 (U)

PETITIONER(S):

**P.S. SARATH, S/O.SACHIDANANDAN,
AGED 26 YEARS, RESIDING AT PALLERIKKADU,
KODUVARA, KADUNGALLUR, ALUVA,
ERNAKULAM DISTRICT, PIN 683 110.**

**BY ADVS.SRI.T.C.SURESH MENON,
SRI.P.S.APPU.**

RESPONDENT(S):

- 1. KADUNGALLOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, MUPPATHADAM,
ALUVA, ERNAKULAM DISTRICT-683 110.**
- 2. THE EMPLOYMENT OFFICER
DISTRICT EMPLOYMENT EXCHANGE,
ERNAKULAM-682 030.**
- 3. THE EMPLOYMENT OFFICER,
EMPLOYMENT EXCHANGE,
NORTH PARAVUR, ERNAKULAM-683 513.**

R2 & R3 BY GOVT. PLEADER SMT.LOWSY. A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 28167 of 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT-P1: TRUE COPY OF THE COMMUNICATION ISSUED TO THE PETITIONER
DATED 21.04.2015.**

**EXHIBIT-P2: TRUE COPY OF ONE SUCH CIRCULAR NO.25941/G2/2013/LBR
DATED 05.02.2014.**

**EXHIBIT-P3: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER TO THE 3RD RESPONDENT DATED 24.06.2015.**

**EXHIBIT-P4: TRUE COPY OF THE COMMUNICATION ISSUED BY THE
3RD RESPONDENT DATED 30.06.2015.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ANIL K.NARENDRA, J.

W.P.(C)No.28167 of 2015

Dated this the 17th day of September, 2015

JUDGMENT

The petitioner is an aspirant to the post of driver under the 1st respondent Grama Panchayat. He has filed this Writ Petition seeking a writ of mandamus commanding the 2nd respondent to consider Ext.P3 representation on merits after affording the petitioner a reasonable opportunity of being heard. He has also sought a writ of mandamus commanding respondents 2 and 3 to ensure that the 1st respondent appoint drivers only through the Employment Exchange as contemplated under the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959.

2. Going by the averments in the Writ Petition, though there are sufficient vacancies, the 1st respondent Grama Panchayat is not appointing candidates recommended by the Employment Exchange and daily wage employees are permitted to occupy the available vacancies. Highlighting the aforesaid grievances the petitioner originally submitted Ext.P3 representation before the 3rd respondent, which has now been forwarded to the 2nd respondent as evidenced by Ext.P4, for further action.

3. It is due to the inaction on the part of the 2nd respondent in taking appropriate decision on Ext.P3 the petitioner is before this Court in this Writ Petition seeking various reliefs.

4. I heard the arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for respondents 2 and 3.

5. Considering the fact that Ext.P3 representation submitted by the petitioner is now pending consideration before the 2nd respondent, I deem it appropriate to dispose of this Writ Petition without going into the merits of the contentions raised by the petitioner.

In the result, this Writ Petition is disposed of directing the 2nd respondent to consider and pass appropriate orders on Ext.P3 representation submitted by the petitioner with notice to the petitioner and also to the Secretary of the 1st respondent Grama Panchayat and a decision in this regard shall be taken as expeditiously as possible at any rate, within a period of three months from the date of receipt of a certified copy of this judgment.

skj

Sd/-
ANIL K.NARENDHAN, JUDGE