

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).NO. 28768 OF 2014 (U)

PETITIONER(S):

**K. ANIL KUMAR, AGED 45 YEARS
S/O. KUTTAPPAN NAIR, NAGATHIL HOUSE, PIDAVOOR P.O.
PATHANAPURAM, KOLLAM-691 625.**

**BY ADVS.SRI.R.LAKSHMI NARAYAN
SMT.R.RANJINI**

RESPONDENT(S):

- 1. THE COCHIN DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, THRISSUR-680 001.**
- 2. THE PUBLIC SERVICE COMMISSION
OFFICE OF THE PUBLIC SERVICE COMMISSION
PATTOM PALACE, THIRUVANANTHAPURAM-695 001
REP.BY ITS SECRETARY.**
- 3. M.R.MINISH
DEVASWOM OFFICER, KURUMALIKAVU
RESIDING AT MANAKUNNATH HOUSE, MOORKANAD P.O.
KURUVANNUR, THRISSUR-680 711.**
- 4. K.R.VENKITTAN
LAST GRADE CLERK, ASST.COMMISSIONER OFFICE
KARANTHARA MADOM, VALAPPAD P.O., TRIPRAYAR
THRISSUR-680 567.**
- 5. V.R.RATHEESH
JUNIOR DEVASWOM OFFICER, MULLAKKAL DEVASWOM
RESIDING AT RAVIPURAMANGALAM WARRIAYAM
THEKKUMKARA P.O., ENAKAKKAD VIA, WADAKANCHERY.**
- 6. P.N.RAJEEVAN
DEVASWOM OFFICER-IN-CHARGE, KOCHI
PULAKKASSERIYIL HOUSE, VADAYAMBADY
PUTHENKURISHU-682 308.**
- 7. P.V.SAJEEV
JUNIOR ASST. DEVASWOM OFFICER
KUMARAKAMCHIRA DEVASWOM, PONNEMPORA HOUSE
NEDUPUZHA P.O., VATTAPPINI - 680 015**

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**8. PRASANTH R.NAIR
DEVASWOM ASST.ASOKESWARAM, SANTHA NIVAS
KOVILAKAM LANE, PERINGAVU, THRISSUR-18.**

**R1 BY ADV. SRI.G.RAJAGOPAL, SC, COCHIN DEVASWOM BOARD
R3,R4,R5,R8 BY ADV. SRI.M.RAMESH CHANDER (SR.)
R3,R4,R5,R8 BY ADV. SRI.ANEESH JOSEPH
R3,R4,R5,R8 BY ADV. SMT.DENNIS VARGHESE
R2 BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
R1 BY SRI.KRISHNA MENON, SC, COCHIN DEVASWOM BOARD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : COPY OF THE ORDER DTD.18.10.1996.

EXT.P2 : COPY OF THE NOTIFICATION DTD.1.2.1998.

EXT.P3 : COPY OF THE PROCEEDINGS DTD.4.1.1992.

EXT.P4 : COPY OF THE NOTIFICATION DTD.11.12.2003.

EXT.P4(A): TRANSLATION OF EXT.P4.

EXT.P5 : COPY OF THE ORDER DTD.2.3.2009.

EXT.P5(A): TRANSLATION OF EXT.P5.

EXT.P6 : COPY OF THE RANK LIST PUBLISHED ON 16.11.2010.

EXT.P7 : COPY OF THE JUDGMENT IN WPC NO.21146/04.

EXT.P8 : COPY OF THE ORDER DTD.26.2.2008.

EXT.P8(A): TRANSLATION OF EXT.P8.

EXT.P9 : COPY OF THE ORDER IN DBA NO.22/08.

EXT.P10: COPY OF THE JUDGMENT IN WPC NO.21209/08.

EXT.P11: COPY OF THE COMMON JUDGMENT IN W.P.(C).1089/2011 DATED.28.9.2011.

EXT.P12: COPY OF THE JUDGMENT IN WPC NO.7758/2012.

EXT.P13: COPY OF THE JUDGMENT IN WA NO.1657/13.

P14: COPY OF THE QUESTIONNAIRE DTD.7.3.2014.

P14(A): TRANSLATION OF EXT.P14.

P15: COPY OF THE INFORMATION DTD.16.4.2014.

EXT.P15(A): TRANSLATION OF EXT.P15.

EXT.P16: COPY OF THE JUDGMENT DATED 7.1.2015 IN W.P.(C).24758/2013

EXT.P17: COPY OF THE ORDER DATED 24.1.2015 PASSED BY THE 1ST RESPONDENT.

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**EXT.P18: COPY OF THE REPRESENTATION DATED 9.2.2015 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.**

EXT.P19: COPY OF THE ORDER DATED 16.3.2015 PASSED BY THE BOARD.

EXT.P20: COPY OF THE ORDER DATED 12.6.2015, PASSED BY THE BOARD

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

SKV

P.V.ASHA, J.

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W.P.(C). No.28768 OF 2014

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Dated this the 6th day of August, 2015

JUDGMENT

This writ petition was filed at a time when the petitioner who was appointed as Last Grade Servant in Cochin Devawsom Board was denied promotion as L.D. Clerk despite his qualifications. His complaint was that the respondents 3 to 8 who have not acquired the requisite qualifications were granted appointment as L.D.C. without considering qualified hands like him.

2. During the pendency of the writ petition, the Cochin Devawsom Board issued orders appointing the petitioner as LDC, as per their proceedings No.M-11317/08 dated 16.3.2015 (Ext.P19). Subsequently, on the basis of the representation submitted by the petitioner, Cochin Devawsom Board issued Ext.P20 order on 12.6.2015 i.e. proceedings No.M-11317/2008 dated 12.6.2015 antedating

his appointment as LD Clerk from 24.3.2009.

3. I heard the learned counsel for the petitioner, learned Standing counsel for Cochin Devawsom Board and counsel for respondents 3 to 8.

4. The grievance which remains for redressal is that petitioner is not granted the service benefits on the basis of retrospective promotion granted as per Ext.P20 order. According to him he would have been eligible for higher monetary benefits.

5. Under the circumstance of the case it is only appropriate that the Cochin Devawsom Board consider the claim of the petitioner for the service benefits due to him, especially when they have rectified their error in denying his appointment as LDC at the right time. Therefore this writ petition is disposed of with the following directions:-

1.The petitioner will file a representation within a period of two weeks from the date of receipt of a copy of the judgment to the Cochin Devawsom Board – 1st respondent.

2. Cochin Devawsom Board shall thereafter consider

the same and pass orders thereon within a period of two months after affording an opportunity of hearing to the petitioner.

SD/ –
P.V.ASHA, JUDGE

SKV