

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 30078 of 2015 (H)

PETITIONER(S):

M. KAILASAN, AGED 52 YEARS
S/O.MADHAVAN, KAVUMGAL VELIYIL HOUSE, PONNAD.P.O.
MANNANCHERY, ALAPUZHA DISTRICT-688 538
PRESENTLY WORKING AS EMPANELLED DRIVER, KSRTC DEPOT
ALAPUZHA UNDER THE DISTRICT TRANSPORT OFFICER, KSRTC
ALAPUZHA.

BY ADVS.SRI.JOHN JOSEPH(ROY)
SMT.MEDONA LOPEZ

RESPONDENT(S):

1. THE KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, THIRUVANANTHAPURAM
PIN-695 039.
REPRESENTED BY THE CHAIRMAN AND MANAGING DIRECTOR.
2. THE CHAIRMAN AND MANAGING DIRECTOR
THE KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, THIRUVANANTHAPURAM, PIN-695 039.
3. THE DISTRICT TRANSPORT OFFICER
KERALA STATE ROAD TRANSPORT CORPORATION
ALAPUZHA-688 001.

R BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1- TRUE COPY OF THE DUTY CERTIFICATE ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER DATED 22.11.96.

P2- TRUE COPY OF THE CASH RECEIPT AS SECURITY DEPOSIT VIDE RECEIPT NO.28660 DATED 26.08.1998.

P3- TRUE COPY OF THE DUTY STATEMENT ISSUED FROM THE ATO ALAPUZHA TO THE PETITIONER UNDER RTI ACT, DT. 23.10.12.

P4- TRUE COPY OF THE CASH RECEIPT AS SECURITY DEPOSIT VIDE RECEIPT NO.67082 DATED 04.07.2012.

P5- TRUE COPY OF THE MEMORANDUM REQUESTING THE LIST OF EMPLOYEES REJOINED AFTER MEDICAL LEAVE DT. 22.11.2012.

P6- TRUE COPY OF THE REPRESENTATION DATED 21.03.2013 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

P7- TRUE COPY OF THE DUTY CERTIFICATE FOR THE PERIOD FROM JULY, 2012 TO MAY, 2014 OF THE PETITIONER.

P8- TRUE COPY OF THE REPRESENTATION DATED 05.03.2015 SUBMITTED BY THE WIFE OF THE PETITIONER BEFORE MINISTER.

P9- TRUE COPY OF THE GOVERNMENT ORDER DATED 22.12.2011 REGULARISING THE EMPANELLED EMPLOYEES OF THE CORPORATION.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.30078 of 2015

Dated this the 12th day of October, 2015

J U D G M E N T

The petitioner asserts that he has put in more than 10 years of service. Ext.P3 duty statement issued by the third respondent is relied on. It is the case of the petitioner that the period during which he was on sick leave is also liable to be reckoned. It is contended that the petitioner was ill for some time due to Chicken Guniya.

2. The petitioner relies on Ext.P9 Government Order relating to regularisation. The issue involves the condonation of delay for the period during which the petitioner was allegedly sick. Interest of justice would be met by relegating the petitioner to the Government. A detailed representation can be addressed to the Secretary for the Transport Department.

3. Any such representation filed by the petitioner within two weeks shall be dealt with by the Secretary of the Transport Department within a period of four weeks therefrom. The petitioner as well as the respondents 2 and 3 shall be put on notice and heard. The question of regularisation of the petitioner in

service shall be considered in accordance with law.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj/12.10.15