

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

WP(C).No. 34797 of 2010 (Y)

PETITIONER :

**A.BADARUDEEN, SALES SUPERVISOR
(HOLDING CHARGE OF SHOW ROOM MANAGER)
ATTINGAL SHOW ROOM OF THE KERALA STATE HANDLOOM
DEVELOPMENT CORPORATION LTD., ATTINGAL,**

**RESIDING AT: M.M.MANZIL, VAZHODU, THATTATHUMALA P.O.,
KILIMANNOOR, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.M.V.THAMBAN
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.R.REJI**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT INDUSTRIES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE MANAGING DIRECTOR,
KERALA STATE HANDLOOM DEVELOPMENT CORPORATION LTD.,
KANNUR-1.**

**R1 BY GOVERNMENT PLEADER SRI.SOJAN JAMES
R2 BY ADVS. SRI.E.K.NANDAKUMAR
SRI.K.JOHN MATHAI
SRI.P.BENNY THOMAS
SRI.P.GOPINATH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).NO.34797/2010

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE SENIORITY LIST OF SALES ASSISTANTS AS IN 2003**
- P2 COPY OF THE APPLICATION UNDER RTI ACT ON 21/6/2010**
- P3 COPY OF THE REPLY GIVEN BY THE INFORMATION OFFICER OF CORPORATION DATED 19/7/2010**
- P4 COPY OF THE REPRESENTATION DATED 12/5/2010**
- P5 COPY OF THE JUDGMENT DATED 2/9/2010 IN WP(C).NO.25384/2010 (W)**
- P6 COPY OF THE LETTER NO.G2/SA/13/1014/2010 DATED 5/10/2010**
- P7 COPY OF THE PROMOTION POLICY OF 1994 ISSUED BY THE 1ST RESPONDENT.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 34797 of 2010

Dated this the 4th day of September, 2015

J U D G M E N T

Challenging Ext.P6 letter, rejecting the petitioner's claim for promotion to the post of Showroom Manager, the petitioner has come up before this Court.

2. The petitioner alleges that he is working as Sales Supervisor in the 2nd respondent corporation and holding charge of Showroom Manager. He originally joined the corporation w.e.f. 30.04.1985 as Sales Assistant and he was promoted as Sales Supervisor in 2010. He alleges that there are five posts of Manager (Show Room) lying vacant under the 2nd respondent and the petitioner is the 3rd person in the seniority list for that post. He further alleges that he was not promoted, instead, he is put in charge as the Showroom Manager for the last 20 years without any additional remuneration; and his representations for promotion to the post of Showroom

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Manager are not being considered. Aggrieved by the non-consideration of his last representation, Ext.P4 dated 12.05.2010, he approached this Court with WP(C) No.29384/2010, which was disposed of directing the 2nd respondent to consider Ext.P4 and pass orders. Accordingly, the 2nd respondent issued Ext.P6 order rejecting his request for promotion as Manager (Showroom). In Ext.P6, the 2nd respondent has admitted that there are five posts of Manger (Showroom) lying vacant. However, according to the 2nd respondent, the petitioner is not qualified as he was promoted as Sales Supervisor only during 2010. The petitioner points out that he has worked for 25 years without any promotion and at the same time, he was working as Showroom Manger in-charge for the last 20 years. Therefore, according to the petitioner, the technical stand that the petitioner has to complete 5 years as Sales Supervisor for promotion is arbitrary and illegal. Hence, this writ petition.

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3. Arguments have been heard.

4. The learned Standing Counsel for the respondent corporation, on instructions, would submit that the petition itself was premature as the petitioner is not having qualifying service to be promoted as Showroom Manager. Moreover, it is also pointed out that on the date of the filing of the writ petition, there was no vacant post of Showroom Manager and the respondent corporation has no objection in considering the petitioner to the post of Showroom Manager as and when vacancy arises subject to seniority and he is otherwise eligible.

Recording the said submission, the writ petition is closed.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-