

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).No. 31304 of 2015 (K)

PETITIONER(S) :

1. K.T.SAJI, AGED 42 YEARS,
S/O.K.C. THANKAPPAN, RESIDING AT KARALATH HOUSE
P.O. IRINJALAKUDA, WORKERS AS ASSISTANT SALESMAN
SUPPLY CO VADAKKANCHERY, THRISSUR DISTRICT.
2. BYJU K.R., AGED 42 YEARS
S/O. K.K.RAMAKRISHNAN, RESIDING AT KUTTANELLOOR
P.O. ERAVIMANGALAM, THRISSUR DISTRICT
WORKING AS JUNIOR ASSISTANT (JA)
SUPPLY CO TALUK DEPOT, THRISSUR.

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S) :

- *1. STATE OF KERALA REP.BY CHIEF SECRETARY
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM- 695 001.
*(CORRECTED AS PER ORDER IN I.A.NO.15469/15 dtd.9.11.2015)
2. ACCOUNTANT GENERAL, STATE OF KERALA, STATUE JUNCTION,
NEAR SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
3. SECRETARY TO GOVERNMENT,
FINANCE (SS) DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM -695 001.
4. SECRETARY TO GOVERNMENT,
FOOD AND CIVIL SUPPLIES, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
5. PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTAM
THIRUVANANTHAPURAM -695004.
6. CIVIL SUPPLIES CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR, MAVELI BHAVAN
GANDHI NAGAR, KADAVATHRA, ERNAKULAM -682 020.
7. DIRECTOR OF CIVIL SUPPLIES
CIVIL SUPPLIES DIRECTORATE, PUBLIC OFFICE
OPPOSITE TO MUSEUM, THIRUVANANTHAPURAM-695001.

R6 BY SMT.MOLLY JACOB,SC,SUPPLYCO
BY GOVERNMENT PLEADER SMT.M.J.RAJASREE
BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 31304 of 2015 (K)

APPENDIX

EXHIBIT P1 : TRUE COPY OF THE PROCEEDINGS OF ADDITIONAL GENERAL MANAGER (P&A) DT.26.4.2014 BY WHICH THE 2nd PETITIONER'S PROBATION WAS DECLARED.

EXHIBIT P2 : TRUE COPY OF THE RELEVANT PAGES OF KERALA STATE CIVIL SUPPLIES CORPORATION RECRUITMENT/PROMOTION RULES 1997.

EXHIBIT P3 : TRUE COPY OF THE G.O.(MS)NO.32/99 F& CSD DTD.14.6.1999.

EXHIBIT P4 : TRUE COPY OF THE G.O.(MS)NO.30/2009/F&CSD DT.21/8/2009.

EXHIBIT P5 : TRUE COPY OF THE G.O.(P)NO.515/13/Fin.DT.11/10/2013 ISSUED BY THE FINANCE DEPARTMENT.

EXHIBIT P6 : TRUE COPY OF THE STAFF STRENGTH OF CIVIL SUPPLIES CORPORATION AS ON 31.5.2012.

EXHIBIT P7 : TRUE COPY OF THE RELEVANT PAGE OF the STUDYING REPORT OF DRAFT REPORT PREPARED BY D.VIBHU KUMAR.

EXHIBIT P8 : TRUE COPY OF THE PROCEEDINGS OF THE CHAIRMAN AND MANAGING DIRECTOR, CIVIL SUPPLIES CORPORATION LTD.DTD.29/9/2011.

EXHIBIT P9 : TRUE COPY OF THE PROCEEDINGS DTD.31.3.2012.

RESPONDENTS' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

K.VINOD CHANDRAN, J.

W.P.(C)No.31304 of 2015

Dated this the 9th day of November, 2015.

J U D G M E N T

The petitioners seek implementation of Ext.P5. The controversy revolves around the deputation of persons from the Civil Supplies Department to the Civil Supplies Corporation. The petitioners' contention is that by Ext.P5, the Government had interdicted such deputation. However, the learned Government Pleader and the learned Standing Counsel appearing for the Corporation would submit that Ext.P5 cannot be implemented, since the Special Rules specifically provide for a deputation from the Civil Supplies Department. It is also submitted that the Government has modified Ext.P5 substantially by G.O.(P)No.580/2013/Fin. dtd.28.11.2013 and there is no question of deputation having been fully avoided. In such circumstances, nothing survives in this writ petition. The petitioner if aggrieved by the government order subsequent to Ext.P5, can definitely

challenge it.

The writ petition would stand dismissed. No order as to costs.

Sd/-
K.VINOD CHANDRAN,
Judge.

ami/

//True copy//

P.A. to Judge