

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 31865 of 2015 (G)

PETITIONER(S):

**SAJAN AMBADIYIL
SCIENTIST (RESEARCH) & HEAD OF THE DEPARTMENT
DESIGN AND RESEARCH
OPTICAL IMAGE PROCESSING DIVISION
CENTRE FOR DEVELOPMENT OF IMAGING TECHNOLOGY (C-DIT)
CHITRANJALI HILLS, THIRUVALLAM P.O.
THIRUVANANTHAPURAM-695 027.**

**BY ADVS.SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.V.VARGHESE
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND
SMT.L.ANNAPOORNA**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTD BY THE SECRETARY TO GOVERNMENT
INFORMATION AND PUBLIC RELATIONS DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE CENTRE FOR DEVELOPMENT OF IMAGING TECHNOLOGY (C-DIT)
CHITRANJALI HILLS, THIRUVALLAM P.O.
THIRUVANANTHAPURAM, PIN-695 027
REPRESENTED BY ITS DIRECTOR.**
- 3. THE DIRECTOR
CENTRE FOR DEVELOPMENT OF IMAGING
TECHNOLOGY (C-DIT), CHITRANJALI HILLS
THIRUVALLAM P.O., THIRUVANANTHAPURAM, PIN-695 027.**

**R BY GOVERNMENT PLEADER
R BY SRI.C.S.AJITH PRAKASH, SC, C-DIT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE LETTER NO.DCM(PLG) NO.4725/10/1/212-2014-15 DATED 8/5/2015 OF THE GENERAL MANAGER OF THE RESERVE BANK OF INDIA ADDRESSED TO THE DISTRICT C-DIT.
- EXT.P2. TRUE COPY OF THE NOTE NO.C-DIT/OIP/11-12/REG/265 DATED 30/11/2002 OF THE HEAD, OPTICAL IMAGE PROCESSING DIVSIION OF C-DIT.
- EXT.P3. TRUE COPY OF THE ORDER NO.C-DIT/3/ADMN/EST/2002/82 DATED 10/12/2002 OF THE REGISTRAR OF THE C-DIT.
- EXT.P4. TRUE COPY OF THE ORDER NO.C-DIT/3/ADMN/EST/189/03 DATED 29/12/2003 OF THE REGISTRAR OF THE C-DIT.
- EXT.P5. TRUE COPY OF THE NOTIFICATION PUBLISHED IN THE MATHRUBHUMI THOZIL VARTHA DTED 27/1/2007
- EXT.P6. TRUE COPY OF THE MEMO NO.208/ADMN/C-DIT/2007 DATED 6/12/2007 OF THE REGISTRAR OF C-DIT.
- EXT.P7. TRUE COPY OF THE REPRESENTATION DATED 3/10/2008 SUBMITTED BY THE PERTITIONER BEFORE THE REGISTRAR OF C-DIT.
- EXT.P8. TRUE COPY OF THE ORDER NO.24/ADMN/A2/REG-C-DIT/2008 DATED 23/2/2008 OF THE REGISTRAR OF C-DIT.
- EXT.P9. TRUE COPY OF THE RELEVANT EXTRACT OF ORDER NO.153/A2/ADMN/C-DIT/2015 DATED 22/4/2015 OF THE REGISTRAR OF C-DIT.
- EXT.P10. TRUE COPY OF THE RELEVANT EXTRACT OF GOVERNMENT LETTER O.535/A2/ADMI/C-DIT/2003 DATED 22/11/2013.
- EXT.P10 (A) TRUE COPY OF THE CIRCULAR NO.8/RO/C-DIT/2013 DATED 10/6/2013 WITH ANNEXURE-I AND II OF THE REGISTRAR OF C-DIT.
- EXT.P11. TRUE COPY OF THE RELEVANT EXTRACT OF ORDER NO.24/A1/ADMN/2014/C-DIT DATED 9/1/2014 OF THE REGISTRAR OF C-DIT.
- EXT.P12. TRUE COPY OF THE CIRCULAR NO.OR3/RO/2014/C-DIT/ DATED 30/1/2014 WITH THE OPTION FROM OF THE REGISTRAR OF C-DIT.

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- EXT.P13. TRUE COPY OF THE REPRESENTATION DATED 14/2/2014 SUBMITTED BY THE PETITIONER BEFORE THE REGISTRAR OF C-DIT.
- EXT.P14. TRUE COPY OF THE REPRESENTATION DATED 5/4/2015 SUBMITTED BY THE PETITIONER BEFORE THE HONOURABLE MINISTER FOR INFORMATION AND PUBLIC RELATIONS, WHO IS THE VICE CHARIMAN OF C-DIT.
- EXT.P15. TRUE COPY OF THE NOTE TO THE HON'BLE MINISTER ON 27/5/2015 OF THE 3RD RESPONDENT.
- EXT.P16. TRUE COPY OF THE LETTER DATED 12/6/2015 OF THE 3RD RESPONDENT ADDRESSED TO THE REGISTRAR OF KERALA SCHEDULED CASTES/SCHEDULED TRIBES COMMISSION ALONG WITH THE REPORT MENTIONED THEREIN.
- EXT.P16(A). TRUE COPY OF THE ORDER DATED 31.8.2015 IN FILE NO.1717/A1/2015/TSR/KSCSC&ST OF THE REGISTRAR OF THE KERALA SCHEDULED CASTES/SCHEDULED TRIBES COMMISSION.
- EXT.P17. TRUE COPY OF THE G.O.(MS) NO.17/2003/CAD DATED 12/5/2003.
- EXT.P18. TRUE COPY OF THE RELEVANT EXTRACT OF C-DIT STAFF RECRUITMENT RULES.
- EXT.P19. TRUE COPY OF THE G.O.(MS) NO.25/03/CAD DATED 9/7/2003.
- EXT.P20. TRUE COPY OF THE RELEVANT EXTRACT OF CSIR SCIENTISTS RECRUITMENT AND ASSESSMENT PROMOTION RULES, 2001.
- EXT.P21. TRUE COPY OF THE LETTER DTD. 25.2.14
- EXT.P22. TRUE COPY OF THE APPLICATION DATED 6/2/2014 SUBMITTED BY V.R.SWAMINATHAN UNDER RIGHT TO INFORMATION ACT.
- EXT.P23. TRUE COPY OF THE G.O.(MS) NO.9/2015/I&PRD DATED 6/6/2015.
- EXT.P24. TRUE COPY OF THE ORDER NO.231/A1/ADMN/C-DIT/2015 DATED 19/6/2015 OF THE REGISTRAR OF C-DIT.
- EXT.P25. TRUE COPY OF THE REPRESENTATION DATED 22/6/2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT
- EXT.P26. TRUE COPY OF THE JUDGMENT DATED 7/7/2015 OF THIS COURT IN WPC NO.19329/2015.

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**EXT.P27. TRUE COPY OF THE GOVERNMENT LETTER
NO.16743/E1/2015/I&PR DATED 5/8/2015.**

**EXT.P28. TRUE COPY OF THE G.O.(RT) NO.487/2015 I & PRD DATED
9/10/2015.**

RESPONDENT(S)' EXHIBITS: nil

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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Dated this the 20th day of October, 2015

J U D G M E N T

The petitioner seeks only continuation as Research Assistant in the 2nd respondent, which post, he is entitled to continue on contract basis till 31.01.2019. The petitioner in fact had been regularised in the lower post of Technical Assistant, which he is not amenable to, since he considers it a demotion and would rather continue on contract basis, than be regularised in the lower post.

2. The learned Counsel appearing for the 2nd respondent would submit that the petitioner's claim for regularisation as a Research Assistant, which was directed to be considered as per Ext.P26 and has been rejected by Ext.P28 and his continuation on contract basis will depend upon the

requirement and the terms of the contract.

3. In any event, the petitioner cannot be coerced into accepting the regularisation in the lower post. The petitioner's contract enables continuance till 2019, in the normal course, there shall be no termination caused unless in accordance with the terms of the contract.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/20 / 10 /2015

// true copy //

P.A to Judge.