

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

WP(C).No. 34769 of 2015 (U)

PETITIONER(S):

- 1. P.M.RAJAN
PONMILI MEETAHAL HOUSE, KURUVATOOR P.O
KOZHIKODE-673 611**
- 2. CHANDU P.K.
S/O.CHOYI, PALAKKANDY HOUSE, P.O.PUTHOOR
VIA.OMASSERY, KOZHIKODE - 673 582.**
- 3. M. SUDHA RAJAN
S/O.MADHAVAN NAIR, "SREELAKAM", CHATHAMANGALAM P.O.
R.E.C. VIA, KOZHIKODE 673 601.**

**BY ADVS.SRI.NIRMAL. S
SMT.VEENA HARI**

RESPONDENT(S):

- 1. HOSPITAL DEVELOPMENT SOCIETY CHAIRMAN
REP. BY THE DISTRICT COLLECTOR
MEDICAL COLLEGE HOSPITAL DEVELOPMENT SOCIETY
KOZHIKODE - 673 008.**
- 2. SECRETARY
HOSPITAL DEVELOPMENT SOCIETY
MEDICAL COLLEGE HOSPITAL, KOZHIKODE - 673 008.**
- 3. PRINCIPAL/VICE CHAIRMAN
HOSPITAL DEVELOPMENT SOCIETY
MEDICAL COLLEGE HOSPITAL, KOZHIKODE - 673 008.**

BY GOVERNMENT PLEADER SMT. A. LOWSY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS :-

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- EXT.P1 - COPY OF THE ATTENDANCE REGISTER OF THE HDS SECURITY STAFF WHEREIN WHICH IS SHOWN THAT THE 1ST PETITIONER HAS BEEN WORKING AS SECURITY STAFF IN MONTH OF OCTOBER 2015.
 - EXT.P2 - COPY OF THE MINUTES OF THE HDS MEETING HELD ON 04.07.2015 ALONG WITH THE COVERING LETTER DATED 30.07.2015.
 - EXT.P3 - COPY OF THE REPRESENTATION SEND BY THE 1ST PETITIONER.
 - EXT.P4 - COPY OF THE REPRESENTATION SEND BY THE 2ND PETITIONER.
 - EXT.P5 - COPY OF THE REPRESENTATION SEND BY THE 3RD PETITIONER.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.34769 of 2015

Dated this the 30th day of November, 2015.

JUDGMENT

Petitioners are persons, who were continuing as Security Personnel under the Hospital Development Committee of the Medical College Hospital, Kozhikkode. The petitioners are aggrieved with the fact that the petitioners are being sent out of service on attaining the age of 60. The petitioners rely on Ext.P2 to contend that one Vijayan had been continued beyond the age of 60 and in such circumstances the petitioners are also to be considered as competent to be continued beyond the age of 60.

2. The mere fact that the petitioners are similarly placed as Vijayan, in identical employment, would not confer any right on them to claim the benefits given to Vijayan, especially since the same is on the consideration of his performance. It is very specifically stated in Ext.P2 that with respect to the other

appointments, the Hospital Development Committee is proceeding with the interview, for fresh solution.

3. In such circumstances, definitely the petitioners' suitability would also have been considered and decided against. In any event, the petitioners have no claim for continuance indefinitely, since they have attained the age of 60 and are also persons, who are employed on daily wage basis.

In such circumstance, this Court does not find any reason to entertain the writ petition, the same would stand dismissed *in liminae*.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/01/12/15