

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

WP(C).No. 35549 of 2015 (P)

PETITIONER:

**MAHESH M.T., AGED 45 YEARS
S/O. GOPALAN, DRIVER, MALABAR DEVASWOM BOARD
RESIDING AT MELETHATHANADATH HOUSE, MAKKADA P.O.,
KAKKODI, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
REVENUE DEVASWOM DEPARTMENT
THIRUVANANTHAPURAM, PIN-695 001.**
- 2. MALABAR DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY,
KOZHIKODE-673 001.**
- 3. THE COMMISSIONER
MALABAR DEVASWOM BOARD,
HOUSEFED COMPLEX, ERANHIPALAM
KOZHIKODE-673 006.**

**BY GOVERNMENT PLEADER SMT. A LOWSY
BY SRI.MAHESH V.RAMAKRISHNAN, SC, MALABAR DEVASWOM BOARD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S' EXHIBITS:-

- EXT. P1 : COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT
NO.J1-8869/2010/MDB DATED 24.01.2011.
- EXT. P2 : COPY OF THE RELEVANT PAGES OF THE DECISION OF THE
MALABAR DEVASWOM BOARD DATED 18.01.2011.
- EXT. P3 : COPY OF THE ORDER OF THE 3RD RESPONDENT NO.J1
8869/2010/MDB DATED 02.08.2011.
- EXT. P4 : COPY OF THE LETTER NO.J1 8869/2010/MDB DATED 10.01.2014.
- EXT. P5 : COPY OF THE ORDER NO.8869/10/MDB DTD.18.11.2015 ISSUED
BY THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.35549 of 2015-P

Dated this the 24th day of November, 2015.

JUDGMENT

The petitioner, a daily wage employee, appointed as a driver in the erstwhile Hindu Religious and Charitable Endowment (HR&CE) Department, is aggrieved with the termination attempted at Ext.P5. The learned Standing Counsel for the Board submits that the petitioner's appointment as a daily wage employee was in the erstwhile Board and after the present Malabar Devaswom Board was constituted, he was appointed in a scale of pay and regularisation was sought for by Ext.P4, which was said to be pending before the first respondent.

In such circumstance, it is only proper that the first respondent consider Ext.P4 and till then, the petitioner shall be continued. Ext.P5 shall be kept in abeyance. There shall be a direction to the first respondent to issue notice to the

petitioner and the Malabar Devaswom Board and consider Ext.P4 within a period of three months from the date of receipt of the certified copy of this judgment.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/24/11/15