IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WA NO. 558 OF 2025

AGAINST THE ORDER DATED 10.03.2025 IN WP(C) NO.1735 OF 2025 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 5 AND 6

1 KOOVAPPADY GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, KOOVAPPADY P.O,
ERNAKULAM, PIN - 683544

2 THE SECRETARY
KOOVAPPADY GRAMA PANCHAYAT, KOOVAPPADY P.O, ERNAKULAM - 683 544, PIN - 683544

BY ADVS.
K.S.HARIHARAPUTHRAN
R.RENJITH
PINKU MARIAM JOSE
K.M.FATHIMA

RESPONDENTS/PETITIONER AND RESPONDENTS 1 TO 4:

1 BIJI K.S
AGED 48 YEARS
KOOVAPPADY GRAMA PANCHAYAT, KOOVAPPADY P.O, ERNAKULAM – 683 544 RESIDING AT AIKKARAKKUDY HOUSE, THOTTUVA, KOOVAPPADY P.O, ERNAKULAM, PIN - 683544

2 STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT

OF LOCAL SELF GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

3 THE PRINCIPAL DIRECTOR
DIRECTORATE OF PANCHAYATHS, PUBLIC OFFICE BUILDINGS, MUSEUM P.O, THIRUVANANTHAPURAM, PIN - 695033

4 THE JOINT DIRECTOR OF PANCHAYAT
CIVIL STATION, KAKKANAD, ERNAKULAM, PIN - 682304

5 INFORMATION KERALA MISSION
PUBLIC OFFICE BUILDING, THIRUVANANTHAPURAM, PIN - 695033

OTHER PRESENT:

Smt. Nisha Bose, Sr.GP
SMT.M.KABANI DINESH, SC, INFORMATION KERALA MISSION
SRI.P.NANDAKUMAR

THIS WRIT APPEAL WAS FINALLY HEARD ON 25.03.2025, THE COURT ON 10.04.2025 PASSED THE FOLLOWING:

JUDGMENT

Muralee Krishna, J.

This is an appeal filed under Section 5(i) of the Kerala High Court Act, 1958, by respondents 5 and 6 in W.P.(C)No.1735 of 2025, challenging the interim order dated 10.03.2025 passed by the learned Single Judge. The writ petition was filed under Article 226 of the Constitution of India by the 1st respondent herein seeking a writ of mandamus directing the appellants to reinstate her in service with immediate effect; a writ of mandamus commanding the appellants to disburse to the 1st respondent the wages for the period she was illegally kept out of service; to declare that the 1st respondent is entitled to continue in service until the expiry of her latest extension of the contract of appointment until 09.11.2025; and to declare that the 1st respondent is entitled for wages for the period she was illegally kept out of service in violation of Ext.P4 Government Order dated 30.01.2024 and Ext.P5 order dated 12.12.2024 of the 4th respondent Joint director of Panchayat.

2. The 1st respondent was working on a contract basis as

a Technical Assistant at the office of the 1st appellant Grama Panchayat from 01.10.2012. Her initial appointment was for a period of one year and that was extended from time to time for a period of one year each and at present her contract expires on 09.10.2025. The 1st respondent alleges that the 2nd appellant Secretary of the Panchayat prevented her from attending her duties or signing the attendance register. When she enquired the same with him, he behaved very badly with her and even used foul language against her. The 1st respondent then submitted Ext.P1 representation dated 07.11.2024 before the Joint Director of the Panchayat. Pursuant to Ext.P1, the Joint Director by Ext.P2 letter dated 08.11.2024 directed the 2nd appellant to submit a detailed report on the matter before 11.11.2024. The 1st appellant Panchayat has not taken any decision till date to terminate the service of the 1st respondent. Under that circumstance, the Joint Director who is the Chairman of the Appraisal Committee, by Ext.P5 letter dated 12.12.2024 directed the 2nd appellant to reinstate the 1st respondent in service immediately. In Ext.P5 it is made clear that the prior permission of the Joint Director was not

obtained before terminating the service of the 1st respondent and it was without following the procedure her service was terminated. Since no action was followed in Ext.P5, the petitioner approached this Court with the writ petition.

2.1. The appellants filed a counter affidavit dated 05.02.2025 opposing the prayers in the writ petition and producing Exts.R6(a) to R6(d) documents.

2.2. In the impugned interim order dated 10.03.2025, the learned Single Judge noted that as per the decision of the Government dated 30.01.2024, in the event of Local Self-Government Institution does not require the services of a Technical Assistant, then the Appraisal Committee is required to take an immediate decision on the matter on request of the Local Self-Government Institution. Despite the said direction, the Appraisal Committee has not taken any decision till date and the Joint Director by the order dated 12.12.2024 communicated to the Panchayat that till the Appraisal Committee takes a decision regarding the cancellation of the contractual employment of the 1st respondent, she be reinstated. The operative portion of that

interim order reads thus:

> "3. In view of the aforementioned fact, the Panchayath is directed to communicate to the Joint Director, the 3rd respondent, who is the Chairman of the Appraisal Committee, the materials against the petitioner, if any, and also the request to terminate the contractual employment of the petitioner within seven days from today. The Appraisal Committee shall take the decision on such a request within one month thereafter. Further decisions on whether the petitioner should continue or not in Panchayath would be dependent on the decision taken by the Appraisal Committee. Till the Appraisal Committee takes the decision, the Panchayath should not appoint any other person as Technical Assistant."

3. Heard the learned counsel for the appellants, the learned Senior Government Pleader and the learned counsel for the party respondents.

4. The learned counsel for the appellants would submit that by the impugned order, the learned Single Judge directed the 4th respondent Joint Director of Panchayat to exercise the power which is not conferred on him in terms of Annexure A9 Government Order and hence the appellants filed this appeal.

5. The learned Senior Government Pleader submitted that

the report of the Appraisal Committee is necessary to terminate the service of the 1st respondent, and the said fact was clear from Exts. P4 and P5 documents.

6. The learned counsel for the party respondents would submit that the 1st respondent has period up to 09.10.2025 and she was directed to be reinstated by Ext.P5 order.

7. In the impugned order, the learned Single Judge directed the 1st appellant Panchayat to communicate to the 4th respondent herein, who is the Chairman of the Appraisal Committee, the materials against the 1st respondent, if any, and also the request to terminate the contractual employment of the 1st respondent, within seven days. Ext.P4 is the Government order dated 30.01.2024 extending the contract period of Technical Assistants currently working on contract basis in the Local Self-Government Institutions. It is by referring to Annexure A9 order dated 18.10.2022 of the Government, Ext.P4 was issued. In Annexure A9 it was directed to constitute an Appraisal Committee in every Panchayat in the Chairmanship of the Panchayat Deputy Director, consisting of two Grama Panchayat Presidents of that

District nominated by the Panchayat Director, two Grama Panchayat Secretaries and the District Co-ordinator of Information, Kerala Mission for taking a decision as to the extension of contract period/termination of Technical Assistants. Clause 7(ii) of Ext.P4 Government order says that in the event, any local self-government institutions officially certify and submit to the Appraisal Committee that they do not require the service of Technical Assistants, then the Appraisal Committee shall immediately take a decision on the matter of their termination. It is noting this provision, the learned Single Judge passed the impugned order. However, while passing that order, the learned Single Judge went wrong, by directing the Panchayat to communicate to the Joint Director, instead of the Appraisal Committee.

In such circumstances, we deem it appropriate to dispose of this writ appeal by interfering with the impugned order only to the extent it directs the Panchayat to communicate to the Joint Director of Panchayat, the materials against the 1st respondent, if any, and also the decision if any taken to terminate the contractual

employment of the 1st respondent and instead direct that said communication to be made by the Panchayat to the Appraisal Committee, within seven days from the date of receipt of a certified copy of this judgment. We make it clear that all remaining directions given by the learned Single Judge in the impugned order will sustain.

Sd/-
ANIL K.NARENDRAN, JUDGE

Sd/-
MURALEE KRISHNA S., JUDGE

sks

APPENDIX OF WA 558/2025

PETITIONER ANNEXURES

Annexure A1	**TRUE COPY OF THE APPLICATION SUBMITTED BY THE FIRST RESPONDENT DATED 06-11-2024 BEFORE THE PRESIDENT OF THE FIRST APPELLANT PANCHAYAT**
Annexure A2	**TRUE COPY OF THE GENERAL BODY DECISION NO.13/1 DATED 13-11-2024 OF THE PANCHAYAT COMMITTEE**
Annexure A3	**TRUE COPY OF THE REPORT DATED NIL OF THE SUB-COMMITTEE**
Annexure A4	**TRUE COPY OF THE GENERAL BODY DECISION NO.3/1 DATED 31-01-2025 OF THE PANCHAYAT COMMITTEE**
Annexure A5	**TRUE COPY OF THE UNANIMOUS DECISION NO.3/1 DATED 20-12-2024 OF THE PANCHAYAT COMMITTEE**
Annexure A6	**TRUE COPY OF THE COMPLAINT DATED 07-11-2024 ALONG WITH THE COVERING LETTER DATED 08-11-2024 OF THE FOURTH RESPONDENT**
Annexure A7	**TRUE COPY OF THE REPORT DATED 11.11.2024 SUBMITTED BY THE 2ND APPELLANT BEFORE THE 4TH RESPONDENT**
Annexure A8	**TRUE COPY OF THE GOVERNMENT ORDER NO.247/2024/LSGD**
Annexure A9	**TRUE COPY OF THE GOVERNMENT ORDER NO.2518/2022/LSGD DATED 18.10.2022**