

T.Vipinkumar and Another Vs. Trvancore Devaswom Board and Others

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Court : Kerala

Decided On : Feb-04-2013

Judge : Honourable Mr.Justice a.M.Shaffique

Appellant : T.Vipinkumar and Another

Respondent : Trvancore Devaswom Board and Others

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE A.M.SHAFIQU MONDAY, THE 4TH DAY OF FEBRUARY 2013 15TH MAGHA 193 WP(C).No. 11629 of 2010 (C)

----- PETITIONER(S) : ----- 1. T.VIPINKUMAR, S/O.SRI.V.K.THANKAPPAN, AGED 3 YEARS, TEMPORARY SWEEPER, SANNIDHANAM, SHABARIMALA, OFFICE OF THE ASSISTANT ENGINEER (WORKS) RESIDING AT PUTHENTHARA HOUSE, VAIKOM P.O. VAIKOM.

2. G.BINU,S/O.SRI.GOVINDAPILLA, AGED 3 YEARS, TEMPORARY SWEEPER, SANNIDHANAM, SHABARIMALA OFFICE OF THE ASSISTANT ENGINEER (WORKS) RESIDING AT KUZHIVILAPUTHENVEEDU, ARINIRATHUMPARA ALTHARAMOODU, KADAKKAL P.O., KOLLAM DISTRICT PIN-691536. BY SENIOR ADVOCATE SRI.O.V.RADHAKRISHNAN BY ADVS.

SMT.K.RADHAMANI AMMA SRI.PRAKASH KESAVAN RESPONDENT(S) : ----- 1. TRAVANCORE DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY, OFFICE OF THE TRAVANCORE DEVASWOM BOARD,

THIRUVANANTHAPURAM.

2. CHIEF COMMISSIONER - IN - CHARGE, TRAVANCORE DEVASWOM AND ADDITIONAL CHIEF SECRETARY HOME AND VIGILANCE DEPARTMENT, GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM.

3. COMMISSIONER OF TRAVANCORE DEVASWOM, OFFICER OF THE COMMISSIONER OF TRAVANCORE DEVASWOM THIRUVANANTHAPURAM. R1 TO R3 BY ADVS. SRI.V.V.NANDAGOPAL NAMBIAR, SC, TDB SRI.KRISHNA MENON, SC THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-02-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
Mn ...2/- WP(C).No. 11629 of 2010 (C) APPENDIX PETITIONER'S EXHIBITS :
EXT.P1 : PHOTOCOPY OF THE MEMO DATED 22 06-1999 OF THE CHIEF ENGINEER (DEVASWOM), TRAVANCORE DEVASWOM BOARD, TRIVANDRUM. EXT.P2 PHOTOCOPY OF THE MEMO NO. SB/W/MIS-39 DATED 01 04-1998 OF THE 1ST RESPONDENT. EXT.P3 PHOTOCOPY OF THE MEMO NO. SB/W/MIS-39 DATED 25 09-1996 OF THE PROJECT CHIEF ENGINEER, TRAVANCORE DEVASWOM BOARD. EXT.P4 PHOTOCOPY OF THE LIST OF DAILY WAGE WORKERS/EMPLOYEES NOTIFIED BY THE 3RD RESPONDENT. EXT.P5 PHOTOCOPY OF THE OBJECTION PETITION DATED 18 08-2009 SUBMITTED BY THE 1ST PETITIONER TO THE 3RD RESPONDENT. EXT.P6 PHOTOCOPY OF THE OBJECTION PETITION DATED 25 08-2009 SUBMITTED BY THE 2ND PETITIONER TO THE 3RD RESPONDENT. EXT.P7 PHOTOCOPY OF THE REPRESENTATION DATED 11 11-2009 SUBMITTED BY THE 1ST PETITIONER TO 3RD RESPONDENT. EXT.P8 PHOTOCOPY OF THE REPRESENTATION DATED 9 11-2009 SUBMITTED BY THE 1ST PETITIONER TO 2ND RESPONDENT. EXT.P9 PHOTOCOPY OF THE PROCEEDINGS NO. ROC NO.5524/09/ESTT.11 DATED 04 03-2010 OF THE 1ST RESPONDENT. EXT.P10 PHOTOCOPY OF THE CERTIFICATE DATED 10 11-2003 ISSUED BY THE AMRITHA INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE. EXT.P11 PHOTOCOPY OF THE DISABILITY CERTIFICATE NO. C1-1847/05 DATED 6 8-05 ISSUED BY THE MEDICAL BOARD. (Contd...) WP(C).No. 11629 of 2010 (C) EXT.P12 PHOTOCOPY OF THE PROCEEDINGS NO. ROC NO. 5524/09/ESTT.11 DATED

04 01-2011 OF THE 1ST RESPONDENT. EXT.P13 PHOTOCOPY OF THE ORDER NO. 2/11/MISC. DATED 13 1-2011 OF THE 1ST RESPONDENT. RESPONDENT'S EXHIBITS : NIL //TRUE COPY// P.S. TO JUDGE Mn A.M.SHAFFIQUE, J.

----- W.P.(C) No. 11629 of 2010 - C
----- Dated this the 4th February, 2013.

JUDGMENT

Petitioners are presently working as temporary sweepers at Sabarimala Sannidhanam. The first petitioner was appointed in terms of Ext.P1 memo dated 22.6.1999 on daily wages in a sanctioned post. The 2nd petitioner was appointed as a temporary Sweeper on daily wages on termination of the service of Sri.M.Sreekumar with effect from 1.4.1998.

2. The complaint is that even though they were continuing in service for the last several years when the 3rd respondent notified the list of daily wage workers/temporary employees in terms of Ext.P4, names of petitioners 1 and 2 have not been included. Hence they are entitled to be included in Ext.P4 list and they are entitled for absorption into the service of the 1st respondent Board, as has been done in respect of certain other daily rated temporary employees who had only five years service. Ext.P9 is such an order.

3. No counter affidavit is filed by the respondents.

4. It is not in dispute that the petitioners had submitted W.P.(C) No. 11629 of 2010 - C 2 Exts.P5 to P8 representations to the 2nd respondent. Finally this is a matter to be considered by the 1st respondent. Since these representations have not been considered so far, I am of the view that this writ petition can be disposed of with a direction to the 1st respondent to consider Exts.P5 to P8 representations within a time frame. In the result, this writ petition is disposed of with a direction to the 1st respondent to consider Exts. P5 to P8 representations in accordance with law and verify whether the petitioners are entitled to get regularization in terms of Exts.P9, P12 and P13 orders. The above process shall be completed within a period of two months from the date of receipt of a copy of this judgment.

Petitioners shall also make available copies of the representations and copy of this judgment before the 1st respondent. A.M.SHAFIQU, JUDGE. rka

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