

Srigith Kumar P Vs. State of Kerala

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Court : Kerala

Decided On : Sep-12-2013

Judge : Honourable Mr.Justice Thottathil B.Radhakrishnan

Appellant : Srigith Kumar P

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN & THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH THURSDAY, THE12H DAYOF SEPTEMBER201321ST BHADRA, 1935 OP(KAT).No. 3216 of 2013 (Z) ----- AGAINST THE

ORDER

IN TA52952012 of KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED2305-2013 PETITIONERS/APPLICANTS : ----- 1. SRIGITH KUMAR P, AGED40YEARS S/O.M.KUNHIKANNAN, MALIKAYIL HOUSE, HOSDURG VILLAGE KANHANGAD (PO), KASARAGOD (DT) 2. VIJAYAN.V.K, AGED37YEARS S/O.P.KUNHIKANNAN, KODAKKAD (PO) KASARAGOD (DT) 671 357. BY ADVS.SRI.T.K.AJITH KUMAR SRI.P.VINOD KUMAR RESPONDENTS/RESPONDENTS : ----- 1. STATE OF KERALA,REPRESENTED BY THE SECRETARY LOCAL SELF

GOVERNMENT DEPARTMENT GOVERNMENT SECRETARIAT, ANNEXE-II
THIRUVANANTHAPURAM605001 2. THE KERALA PUBLIC SERVICE
COMMISSION REPRESENTED BY ITS SECRETARY,PATTOM
THIRUVANANTHAPURAM695001.

3. THE DISTRICT OFFICER KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE "TIGER HILLS", MUNICIPAL OFFICE ROAD
KASARAGOD671121.

4. THE CHIEF ENGINEER, OFFICE OF THE CHIEF ENGINEER LOCAL SELF
GOVERNMENT DEPARTMENT, III FLOOR REVENUE COMPLEX, PUBLIC
OFFICE BUILDING THIRUVANANTHAPURAM695033. R BY SR.GOVERNMENT
PLEADER SRI.P.M.JOSEPH R2 & R3 BY ADV.SRI.P.C.SASIDHARAN, SC,
KPSC THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON1209-2013, THE COURT ON THE SAME DAYDELIVERED THE
FOLLOWING: AV OP(KAT).No. 3216 of 2013 (Z) APPENDIX PETITIONER(S)
EXHIBITS : ----- ANNEXURE A1 : COPY OF THE

ORDER

PASSED BY THE KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM IN TA NO. 5295/2012 DATED23/5/2013. ANNEXURE
A2 : MEMORANDUM OF TANO.5295 OF 2002 OF KERALA ADMINISTRTIVE
TRIBUNAL, THIRUVANANTHAPURAM EXHIBIT P1 IN TA NO.5295 OF2012.
TRUE COPY OF THE RELEVANT PAGES OF THE RAKED LIST DATED53/2011
FOR THE POST OF OVERSEER GRADE-111 IN KASARAGOD DISTRICT
EXHIBIT P2 IN TA NO.529 OF /2012 . TRUE COPY OF THE GAZETTE
NOTIFICATION DATED2812/2007 INVITING APPLICATIONS FOR THE POST
OF OVERSEER GRADE III EXHIBIT P3 IN TA NO.5295 OF2012. TRUE COPY
OF THE QUESTION DATED51/2011 PUT BY SMT.RAJITHA.L.R EXHIBIT P3(A)
IN TANO.5295 OF2012 REPLYTO EXT.P3 DATED21/1/2011 BY DEPUTY CHIEF
ENGINEER & STATE PUBLIC INFORMATION OFFICER EXHIBIT P4 IN TA
NO.5295 OF2012 REPLYDATED25/1/2011 GIVEN TO ONE SMT.RAJITHA.L.R
BY THE PANCHAYATASST.DIRECTOR & STATE PUBLIC INFORMATION
OFFICER, KOLLAM. RESPONDENT(S)' EXHIBITS : NIL

----- /TRUE COPY/ P.ATO JUDGE AV THOTTATHIL
B.RADHAKRISHNAN & BABU MATHEW P. JOSEPH, JJ.

..... O.P.(KAT) No. 3216 of 2013
..... Dated this the 12th day of September, 2013

JUDGMENT

Thottathil B.Radhakrishnan, J.

1.We have heard the learned counsel for the petitioners quite in extenso.
2.Petitioners were included in rank list published by the Public Service Commission for appointment to the post of Overseer Grade III in Panchayath Department in Kasargod District. Thus, the list was confined for appointment to Panchayath Department; that too, in Kasargod District. It is a single department appointment on a district wise basis. That rank list was published on 28/12/2007.
3.As on 1/1/2008, Government conceived and brought into O.P.(KAT) No. 3216 of 2013 2 being, a new service as an engineering subordinate service in the Local Self Government Department, roping in the engineering wings of the Panchayath Department, Municipalities and Municipal Corporations and excess engineering posts in the Irrigation and Public Works Department. Thus, an entirely new concept was brought in as a subordinate service in terms of the provisions of the Kerala Public Services Act, 1968. Not only that, it was made a State wide unit thereby bringing to end the district based appointment method. 4.Petitioners, who were in the list for a district wise appointment, that too in relation to Panchayaths of one district, cannot aspire to be advised on the basis of the new rules. Nor can they claim entry to the newly constituted service unless PSC invites applications on the basis of the new recruitment rules. 5.It is in the aforesaid circumstances that the learned Tribunal has followed Full Bench decision of this Court in O.P.(KAT) No. 3216 of 2013 3 Mohanan v. Director of Homeopathy [2006 (3) KLT641 and concluded that the petitioners were not entitled to reliefs sought for before the Tribunal. 6.We find no legal infirmity or jurisdictional error in the decision of the learned Tribunal warranting interference at our hands under Article 227 of the Constitution of India. This original petition, therefore, fails. In the result, this original petitions is dismissed in limine. sd/- (THOTTATHIL

B.RADHAKRISHNAN, JUDGE) sd/- (BABU MATHEW P. JOSEPH, JUDGE)
AMV/12/9/

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