

The Commandant Vs. Shaji.N

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Court : Kerala

Decided On : Dec-09-2013

Judge : Honourable Mr.Justice Thottathil B.Radhakrishnan

Appellant : The Commandant

Respondent : Shaji.N

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN & THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH MONDAY, THE 9TH DAY OF DECEMBER 2013 18TH AGRAHAYANA, 1935 OP(KAT).No. 4342 of 2013 (Z) ----- AGAINST THE

ORDER

/

JUDGMENT

IN OA15132013 of KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 16-08-2013 PETITIONER(S)/RESPONDENT IN O.A.: ----- THE COMMANDANT, KERALA ARMED POLICE 5TH BATTALION, MANIYAR, PATHANAMTHITTA DISTRICT, PIN 689662. BY SENIOR GOVERNMENT PLEADER, SRI. NOBLE MATHEW RESPONDENT(S)/APPELLANT IN O.A.:

----- SHAJI.N, S/O.T.K.NANDAKUMAR,
CAMP FOLLOWER(COOK), DISCHARGED ON3003-2013 KERALA ARMED
POLICE5H BATTALION, MANIYAR, PATHANAMTHITTA DISTRICT, PIN689662.
CURRENTLY RESIDING AT KUZHIKKALAYIL HOUSE, RAMAKKALMEDU P.O,
IDUKKI DISTRICT PIN685552. THIS OP KERALA ADMINISTRATIVE TRIBUNAL
HAVING COME UP FOR ADMISSION ON0912-2013, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING: DG OP(KAT).No. 4342 of 2013 (Z)

----- APPENDIX PETITIONER(S)' EXHIBITS
----- EXHIBIT P1: TRUE COPY OF THE APPOINTMENT

ORDER

DATED1910-2012. EXHIBIT P2: TRUE COPY OF THE GOVERNMENT

ORDER

G.O(MS) 681/2011/HOME DATED2602-2011. EXHIBIT P3: TRUE COPY OF THE
GOVERNMENT LETTER NO27056K2/2011/HOME DATED1410-2011. EXHIBIT
P4: TRUE COPY OF THE REPLY STATEMENT FILED BY THE COMMANDANT.
EXHIBIT P5: TRUE COPY OF THE

JUDGMENT

OF THE TRIBUNAL IN OA15132013 DATED1608-2013. EXHIBIT P6: TRUE
COPY OF OA15132013. EXHIBIT P7: TRUE COPY OF THE GOVT.

ORDER

G.O(RT) NO270208/LABOUR DATED2010-2008. RESPONDENT(S)' EXHIBITS -
NIL ----- //TRUE COPY// P.A TO JUDGE THOTTATHIL
B.RADHAKRISHNAN & BABU MATHEW P. JOSEPH, JJ.

----- O.P (KAT) No.4342 of 2013
----- Dated this the 9th day of December, 2013

JUDGMENT

Thottathil B.Radhakrishnan, J.

This original petition is filed by the State of Kerala, challenging an order issued by the Kerala Administrative Tribunal in O.A.No.1513 of 2013. The short issue relates to the Camp Followers in the Police Department. The stand taken by the establishment before the Tribunal, as was done in the earlier similar cases, is that the Government had decided to make recruitment to the post of Camp Followers through the Public Service Commission. The Tribunal noted that unless the law is amended in that regard, recruitment is through the Employment Exchange, whether it is for temporary appointment or for regular appointment. Therefore, the Tribunal noted that all the Camp Followers who are involved in different litigations are persons who come through the Employment Exchange and ends of justice require them to be continued till regular appointments have been made after validly modifying the rules for recruitment.

2. Now, this original petition is filed and arguments O.P.(KAT).No.4342 2 are addressed by the learned Senior Government Pleader, trying to point out that as far as regular appointments or temporary appointments are concerned, the zone and field of choice would be different and need not necessarily be confined to district wise recruitment. We are not impressed to take a view different from what has been rendered in the earlier batch of matters, since consistency and continuity of judicial opinion is a cardinal principle, particularly when dealing with such matters.

3. Technical situation as now pointed by the learned Government Pleader does not impress us to interfere in exercise of authority under Article 226 or Article 227 of the Constitution of India. Therefore, this original petition fails. In the result, this original petition is dismissed in limine. Sd/- (THOTTATHIL B.RADHAKRISHNAN, JUDGE) Sd/- (BABU MATHEW P. JOSEPH, JUDGE) //TRUE COPY// P.A TO JUDGE DG

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