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T.Bobby Vs. State of Kerala

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Court : Kerala

Decided On : Jan-30-2014

Judge : Honourable Mr.Justice C.K.Abdul Rehim

Appellant : T.Bobby

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM THURSDAY, THE30H DAY OF JANUARY201410TH MAGHA, 1935 WP(C).No. 31987 of 2013 (W) ---------- PETITIONER: ---------- T. BOBY, WORKING AS DRILLER DRIVER, KANUR MUNICIPALITY, KANNUR. RESIDENTIAL ADDRESS:- USHASS BHAVAN, PANANKAV, P.O.CHIRAKKAL, KANNUR. BY ADV. SMT.M.R.JAYALATHA RESPONDENTS: ---------- 1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF LOCAL ADMINISTRATION, GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM, PIN - 695 001.

2. THE KANNUR MUNICIPALITY, REPRESENTED BY ITS SECRETARY, KANNUR, PIN - 670 011. R1 BY GOVERNMENT PLEADER SMT. LOWSY.A. R2 BY SRI.K.K.CHANDRAN PILLAI,SENIOR ADVOCATE ADV. SRI.THOMAS JAMES MUNDACKAL THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON3001-2014, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING: sts WP(C).No. 31987 of 2013 (W) ---------- APPENDIX PETITIONER(S)' EXHIBITS ---------- EXHIBIT P1 : TRUE COPY OF THE PROCEEDINGS OF THE SECOND RESPONDENT DATED2506.1996 EXHIBIT P2 : TRUE COPY OF THE PROCEEDINGS OF THE SECOND RESPONDENT DATED2811.2005 EXHIBIT P3 : TRUE COPY OF THE PAY SLIP EXHIBIT P4 : TRUE COPY OF THE PROCEEDINGS OF THE SECOND RESPONDENT DATED0502.2013 EXHIBIT P5 : TRUE COPY OF THE PAY SLIP ISSUED TO VINODAN KANNIPARAMBIL, JAYARAJAN T., SAHADEVAN KALLAN EXHIBIT P6 : TRUE COPY OF THE REPRESENTATION DATED2708.2013 SUBMITTED BY THE APPLICANT TO THE SECOND RESPONDENT RESPONDENT(S)' EXHIBITS: NIL /TRUE COPY/ P.A.TO.JUDGE sts C.K. ABDUL REHIM, J.

---------- W.P.(c) No. 31987 OF2013W ---------- DATED THIS THE30h DAY OF JANUARY, 2014.

JUDGMENT

Grievance is regarding cancellation of Higher Grade granted to the petitioner on completion of 10 years and 16 years. From Ext.P4 proceedings of the 2nd respondent it is evident that the cancellation was effected on the basis of a report submitted by the Local Fund Audit Department, pointing out that the grant of higher grade on completion of 10 years was irregular. It is mentioned in Ext.P4 that, at the time when 10 years grade was granted the petitioner had completed service of 10 years in the skilled category. According to the petitioner, Ext.P4 was issued without affording him any opportunity to raise objection against the proposed action or any opportunity of personal hearing.

2. The petitioner was initially appointed as a contingent worker in the 2nd respondent Municipality in the year 1985 and he was appointed on provisional basis as W.P.(c) No.31987/2013 -2- Driver, through an order dated 28-08-2000. Subsequently it was clarified that the service of the petitioner from 26-03- 1993 to 25-06-1996 will be treated as supernumerary and that he will be eligible for all benefits. On that basis the petitioner had completed 10 years and higher grade

was granted. There is no justification in denying the same alleging that the total 10 years service was not in the skilled category, is the contention.

3. However, the petitioner had submitted Ext.P6 before the 2nd respondent seeking review of the decision contained in Ext.P4. It is for the 2nd respondent to consider the claim of the petitioner as enumerated in Ext.P6 and to take an appropriate decision as to whether a revocation of the decision taken in Ext.P4 is necessary or not.

4. Heard; counsel for the petitioner and Standing counsel appearing for the 2nd respondent Municipality. Since Ext.P6 application is pending consideration before the 2nd respondent a direction for an early disposal of the same will suffice to to meet the ends of justice. W.P.(c) No.31987/2013 -3- 5. Therefore the writ petition is disposed of directing the 2nd respondent to consider Ext.P6 and to take an appropriate decision, after affording an opportunity of personal hearing to the petitioner, at the earliest possible, at any rate within a period of 6 weeks from the date of receipt of a copy of this judgment. Sd/- C.K. ABDUL REHIM, JUDGE. AMG True copy P.A to Judge

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