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Kamala Devi .V vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1293733

Court : Kerala

Decided On : Apr-11-2024

Judge : Honourable Mr.Justice Basant Balaji

Appeal No. : WP(C)/13892/2020

Appellant : Kamala Devi .V

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI THURSDAY, THE 11TH DAY OF APRIL 2024 / 22ND CHAITHRA, 1946 WP(C) NO. 13892 OF 2020 PETITIONER/S: 1 KAMALA DEVI .V SCIENTIST F,AGENCY FOR NON-CONVENTIONAL ENERGY AND RU- RAL TECHNOLOGY(ANERT),VIKAS BHAVAN.P.O, THIRUVANANTHA- 2 PRAMOD.N.E, SCIENTIST B, AGENCY FOR NON-CONVENTIONAL ENERGY AND RU- RAL TECHNOLOGY(ANERT), VIKAS BHAVAN.P.O, THIRUVANANTHA- 3 K.,PREMKUMAR, SCIENTIST B,AGENCHY FOR NON-CONVENTIONAL ENERGY AND RU- RAL TECHNOLOGY(ANERT), VIKAS BHAVAN.P.O, THIRUVANANTHA- 4 P.VALSARAJ, SCIENTIST

F,AGENCHY FOR NON-CONVENTIONAL ENERGY AND RU- RAL TECHNOLOGY(ANERT), VIKAS BHAVAN.P.O, THIRUVANANTHA-

BY ADV S.VISHNU RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRE- TARIAT, THIRUVANANTHAPURAM-695001. 2 THE SECRETARY,POWER DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001. 3 THE DIRECTOR, AGENCY FOR NON-CONVENTIONAL ENERGY AND RURAL TECHNOL- OGY(ANERT), VIKAS BHAVAN.P.O, THIRUVANANTHAPURAM- 695033. 4 AGENCY FOR NON-CONVENTIONAL ENERGY AND RURAL TECHNOL-OGY(ANERT),REPRESENTED BY ITS EXECUTIVE COMMITTEE, VI-KAS BHAVAN.P.O, THIRUVANANTHAPURAM-695033. BY ADVS. SRI.T.R.HARIKUMAR SRI.ARJUN RAGHAVAN OTHER PRESENT: GP SRI. TONY AUGUSTINE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

(Dated: 11th April, 2024) This writ petition is filed by the petitioners seeking the following reliefs:

(1) A writ of mandamus or other appropriate writ or

order, directing the respondents to sanction and approve revised CSIR pay and allowances due to the petitioners under the CSIR pattern w.e.f. 1.1.2016 and release the arrears thereof within a time frame to be specified by the Hon'ble Court.

(2) A writ of certiorari or other appropriate writ or order

to call for the records leading to the issue of Exhibit P9 and set aside Exhibit P9.

(3) Any other further relief or order as this Hon'ble Court may deem fit and proper to meet the ends of justice,

(4) Award the cost of these proceedings.

2. Heard counsel on either side. In view of Exts.P17 to P20, the reasons stated in Ext.P9 rejection

order no longer hold good. Therefore, this writ petition is disposed of

directing the 1st respondent to take up Ext.P7 submission and after hearing all the affected parties pass appropriate orders in the light of Ext.P17 to P120, within a period of three months from the date of receipt of a copy of the judgment. The writ petition is disposed of. Sd/- BASANT BALAJI, JUDGE ss APPENDIX OF WP(C) 13892/2020 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE G.O.(MSo)NO.30/87/STED DATED 6.12.1987. EXHIBIT P2 TRUE COPY OF JUDGMENT DATED 20.1.2009 IN W.P(C)NO.27417/2006 OF THIS HON'BLE COURT. EXHIBIT P3 TRUE COPY OF THE JUDGMENT DATED 27.5.2010 IN CONTEMPT CASE(C)NO.1373/2019L OF THE HON'BLE HIGH COURT. EXHIBIT P4 TRUE COPY OF THE COMMUNICATION NO.5-1(302)/2015-PD DATED 23.3.2017 ISSUED B THE CSIR. EXHIBIT TRUE COPY OF THE COMMUNICATION NO.5-1(302)/2015-PD DATED P4(A) 21.9.2017 ISSUED B THE CSIR. EXHIBIT P5 TRUE COPY OF THE COMMUNICATION NO.PWR-PS2/146/2017-POWER DATED 5.6.2017 ISSUED BY THE 1ST RESPONDENT. EXHIBIT P6 TRUE COPY OF MINUTES OF THE 50TH MEETING OF THE EXECUTIVE COMMITTEE OF ANERT HELD ON 30.11.2017. EXHIBIT P7 TRUE COPY OF THE REPRESENTATION DATED 26.7.2018 SUBMITTED BY THE PETITIONERS TO THE 1ST RESPONDENT. EXHIBIT P8 TRUE COPY OF THE JUDGMENT DATED 16.1.2019 IN W.P(C)O.37026/2018 OF THE HON'BLE COURT. EXHIBIT P9 TRUE COPY OF G.O(RT)NO.7/2020/POWER DEPARTMENT DATED 20.1.2020. EXHIBIT P10 TRUE COPY OF G.O.(P)NO.18/2019/HEDN DATED 29.6.2019 (RELE- VANT PORTION). EXHIBIT P11 TRUE COPY OF G.O.(P)NO.18/2020/HEDN DATED 28.5.2020. Exhibit P12 TRUE COPY OF THE JUDGMENT DATED 17/5/2021 IN WPC NO.9622/2021 OF

THE HON'BLE HIGH COURT Exhibit P13 TRUE COPY OF G.O.(RT) NO.121/2021/POWER DATED 7/9/2021 IS- SSUED BY THE PRINCIPAL SECRETARY, POWER (A) DEPARTMENT, GOVERNMENT OF KERALA Exhibit P14 TRUE COPY OF THE COMMUNICATION NO.ANERT-ASDM/27/2021-JM

(HRM) DATED 20/7/2021 ISSUED BY THE CHIEF EXECUTIVE, ANERT

Exhibit P15 TRUE COPY OF G.O.(MS) NO.8/2013/PD DATED 22/2/2013 ISSUED BY THE SECRETARY, POWER (PS) DEPARTMENT, GOVERNMENT OF KER- ALA. Exhibit P16 TRUE COPY OF THE MINUTES OF THE 53RD MEETING OF THE EXECU- TIVE COMMITTEE OF ANERT HELD ON 11/7/2019 Exhibit P17 TRUE COPY OF THE G.O.(P)NO. 54/2020/H&FWD DATED 11.09.2022 ISSUED BY THE PRINCIPAL SECRETARY, HEALTH & FAMILY WELFARE

(S) DEPARTMENT, GOVERNMENT OF KERALA. Exhibit P18 TRUE COPY OF G.O.(P)NO. 149/2020/FIN. DATED 05.11.2020 IS- SUED BY THE ADDITIONAL CHIEF SECRETARY, FINANCE (PAY REVI- SION CELL-C) DEPARTMENT, GOVERNMENT OF KERALA.

Exhibit P19 TRUE COPY OF THE G.O.(P)NO. 112/2021/FIN DATED 09.08.2021 ISSUED BY THE ADDITIONAL CHIEF SECRETARY, FINANCE (PRC-C) DEPARTMENT, GOVERNMENT OF KERALA. Exhibit P20 TRUE COPY OF G.O.(MS)NO. 120/2021/FIN DATED 13.10.2021 IS- SUED BY THE ADDITIONAL CHIEF SECRETARY, FINANCE (PRC-C) DE- PARTMENT, GOVERNMENT OF KERALA. RESPONDENT EXHIBITS Exhibit True copy of the G.O(MS)No.8/2021/Power dated 25-02-2021 R2(a):

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