

Vasanth E vs State of Kerala

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Court : Kerala

Decided On : Feb-08-2022

Judge : Honourable Mr.Justice Murali Purushothaman

Appeal No. : WP(C)/4060/2022

Appellant : Vasanth E

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN TUESDAY, THE 8TH DAY OF FEBRUARY 2022 / 19TH MAGHA, 1943 WP(C) NO. 4060 OF 2022 PETITIONER/S: 1 VASANTHA E, AGED 57 YEARS W/O. NARAYANAN P.T., WORKING AS KAZHAKOM, MADAY SREE THIRUVARKAVU TEMPLE, PAYANGADY, KANNUR DISTRICT, RESIDING AT SREECHAKRAM, SSTEMPLE, PAYYANNUR P.O. KANNUR 670 307. 2 GANGADHARAN M.V., AGED 57 YEARS S/O. NARAYANA PIDARAR, WORKING AS SECTARY AT MADAY SREE THIRUVARKAVU TEMPLE, PAYANGADY, KANNUR DISTRICT, RESIDING AT MEETALE VEEDU, MADAYIKAVU, MADAYI, PAYANGADI, KANNUR DISTRICT 670 303.

BY ADV P.M.UNNI NAMBOODIRI RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM 695 001. 2 MALABAR DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY, ERANHIPALAM P.O., KOZHIKODE 673 001. 3 THE COMMISSIONER, MALABAR DEVASWOM BOARD, ERANHIPALAM P.O., KOZHIKODE 673 001. 4 THE DEPUTY COMMISSIONER (LAW), MALABAR DEVASWOM BOARD, CIVIL STATION, KOZHIKODE 673 001. 5 THE ASSISTANT COMMISSIONER MALABAR DEVASWOM BOARD, THALASSERY DIVISION THIRUVANGAD, THALASSERY P.O, KANNUR DISTRICT 670 103. WP(C) NO. 4060 OF 2022 ..2.. 6 EXECUTIVE OFFICER, CHIRAKKAL KOVILAKAM DEVASWOMS CHIRAKKAL P.O., KANNUR DISTRICT 670 011. OTHER PRESENT: V. VENUGOPAL G.P, ADV. R.LAKSHMINARAYAN SC FOR MALABAR DEASWOM BOARD THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 4060 OF 2022 ..3..

JUDGMENT

The petitioners are working as Kazhakom and Security Guard respectively in the Madayi Sree Thiruvarkave temple under the Chirakkal Kovilakam Devaswom. The petitioners are aggrieved by the cutting down of the grade salary without notice to them. They have filed this writ petition with the following reliefs:

- i) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to pay the actual salary to the petitioners without any improper deductions by considering the seniority and grade of the petitioners with preference. ii) To direct the 6th respondent to pay the arrear of salary which was deducted illegally from their monthly salary. iii) To award cost of these proceedings.

2. When the matter came up for admission, the

learned Standing Counsel for the 2 nd respondent pointed WP(C) NO. 4060 OF 2022 ..4.. out that the petitioners have an effective alternate remedy under Section 18 of the Madras Hindu Religious and Charitable Endowments Act,1951 and that if the petitioners prefer representations before the Commissioner, Malabar Devaswom Board, the same will be considered in accordance with law.

3. Heard the learned Counsel for the petitioners, the learned Standing Counsel for the Devaswom Board as well the learned Government Pleader.

4. Having regard to the submissions made by the

Counsel on both sides, there will be a direction to the petitioners to submit individual representations before the 3rd respondent, highlighting their grievances raised in this writ petition, within a period of two weeks from the date of receipt of a copy of this judgment and there will be a further direction to the 3 rd respondent to consider such representations within a period of six weeks from the date of receipt of the same. The WP(C) NO. 4060 OF 2022 ..5.. petitioners as well the 6th respondent shall be given an opportunity of hearing before a decision is taken on such representations. Hearing can be done either physically or virtually. The copy of the order shall be communicated to the petitioners and the 6th respondent. The writ petition is disposed of with the above directions. Sd/- MURALI PURUSHOTHAMAN, JUDGE SB/08/02/2022 WP(C) NO. 4060 OF 2022 ..6..
APPENDIX OF WP(C) 4060/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE SUPPLEMENTARY SCHEDULE OF SREE MADAYIKKAVU BHAGAVATHY TEMPLE DATED 17.01.2018. Exhibit P2 THE TRUE COPY OF ORDER OF 5TH RESPONDENT DATED 26/07/2021. Exhibit P3 THE TRUE COPY OF PASS BOOK STATEMENT OF IST PETITION DATED 08.01.2022.

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