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Joy Alexander vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-30-2021

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/17805/2020

Appellant : Joy Alexander

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN TUESDAY, THE 30TH DAY OF MARCH 2021 / 9TH CHAITHRA, 1943 WP(C).No.17805 OF 2020(A) PETITIONER: JOY ALEXANDER AGED 42 YEARS S/O.ALEXANDER, RESIDING AT KNRA 44, E CROSS, THEATRE ROAD, PETTAH, THIRUVANANTHAPURAM BY ADVS. SRI.C.J.JOY SMT.VALSAMMA KURIAN JOSE RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF TOURISM, SECRETARIAT, THIRUVANANTHAPURAM-695 001. 2 KERALA TOURISM DEVELOPMENT CORPORATION LTD REPRESENTED BY

MANAGING DIRECTOR, MASCOT, SQUARE, THIRUVANANTHAPURAM-695 003. 3 MANAGING DIRECTOR KERALA TOURISM DEVELOPMENT CORPORATION LTD MASCOT, SQUARE, THIRUVANANTHAPURAM-695 003. 4 THE BOARD OF DIRECTORS KERALA TOURISM DEVELOPMENT CORPORATION LTD, REPRESENTED BY ITS CHAIRMAN, MASCOT, SQUARE, THIRUVANANTHAPURAM-695 003. 5 A.RAJENDRAN MUKALOOMULA MANALEYIL HOUSE, OOKODE P.O., THIRUVANANTHAPURAM-695 020. (OFFICE HELPER, KTDC THIRUVANANTHAPURAM) 6 JAYAKUMAR P KLLARATHARA HOUSE, KULATHUR, UCHAKADA P.O., THIRUVANANTHAPURAM-695 506(A/C MECHANIC, HOTEL SAMUNDRA, KOVALAM) WP(C).No.17805 OF 2020 2 7 VIPIN S VARUVILA HOUSE, SOUPARNIKA, KOTTUKALKONAM, KATTACHALKUZHY P.O., THIRUVANANTHAPURAM-695 509. (A/C MECHANIC, MASCOT HOTEL, THIRUVANANTHAPURAM) 8 NAVEEN A.V, NAVEEN HOUSE, PERINGAMMALA, KALIYOORP.O, THIRUVANANTHAPURAM-695 042. (A/C/MECHANIC, HOTL CHAITHRAM, THIRUVANANTHAPPURAM) 9 BINU P.M, PARACKAL HOUSE, VENGOOR P.O, PERUMBAVOOR, ERNAKULAM. (A/C/MECHANIC, BAULGHATY PALACE, ERNAKULAM) 10 SHRI GIRIPRASAD K., CHETTEKUZHI MELE VEEDU, KOLLAYAM P.O, THIRUVANANTHAPURAM-695 043 (PLUMBER, KTDC)

R2 BY ADV. SRI.THOUFEEK AHAMED R5-8 BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR R9-10 BY ADV. SRI.KALEESWARAM RAJ R9-10 BY ADV. SRI.VARUN C.VIJAY R9-10 BY ADV. KUM.A.ARUNA R10 BY ADV. KUM.THULASI K. RAJ R10 BY ADV. SMT.MAITREYI SACHIDANANDA HEGDE SRI.SUNIL KUMAR KURIAKOSE -GP. THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30.03.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No.17805 OF 2020 3

JUDGMENT

After arguing this matter for a considerable period of time, Shri.C.J.Joy, learned counsel for the petitioner, sought permission to withdraw this writ petition, when confronted by Ext.R3(a) resignation letter of his client produced by the 3rd respondent along with their affidavit dated 19.03.2021. He prayed that his client may be given liberty to ventilate his grievances through other appropriate remedies and therefore, that his contentions be left open. In the afore circumstances, I permit the petitioner to withdraw this writ petition without prejudice to his right to invoke any other remedy, as may be available to him in law. Sd/- DEVAN RAMACHANDRAN JUDGE MC/12.4.2021 WP(C).No.17805 OF 2020 4 APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE CERTIFICATE IN

REFRIGERATION AND AIR CONDITIONING ISSUED TO THE PETITIONER FROM THE NATIONAL COUNCIL FOR VOCATIONAL TRAINING.

EXHIBIT P1(A) TRUE COPY OF CERTIFICATE CUM MARK LIST IN FIRE AND SAFETY ENGINEERING ISSUED TO THE PETITIONER FROM THE FIRE CARE INSTITUTE, TRIVANDRUM. EXHIBIT P2 TRUE COPY OF THE NOTIFICATION PUBLISHED BY THE 3RD RESPONDENT IN THE MALAYALA MANORAMA DAILY. EXHIBIT P3 TRUE COPY OF THE ORDER DATED 25/05/2004 EXHIBIT P3(I) TRUE COPY OF THE ORDER DATED 20/3/2006 EXHIBIT P3(II) TRUE COPY OF THE ORDER DATED 14/3/2007 EXHIBIT P3(III) TRUE COPY OF THE ORDER DATED 12/3/2008 EXHIBIT P3(A) TRUE COPY OF THE SALARY SLIP FOR THE MONTHS NOVEMBER 2007 ISSUED TO THE PETITIONER BY EXHIBIT P3(A) (I) TRUE COPY OF THE SALARY SLIP FOR THE MONTHS JANUARY 2008 ISSUED TO THE PETITIONER BY EXHIBIT P3(A) (II) TRUE COPY OF THE SALARY SLIP FOR THE MONTH FEBERUARY 2008 ISSUED TO THE PETITIONER BY EXHIBIT P3(A)(III) TRUE COPY OF THE SALARY SLIP FOR THE MONTH MARCH 2008 ISSUED TO THE PETITIONER BY THE EXHIBIT P4 TRUE COPY OF THE EXPERIENCE CERTIFICATE WP(C).No.17805 OF 2020 5 DATED 8/7/2009 ISSUED TO THE PETITIONER BY EXHIBIT P4(A) TRUE COPY OF THE LETTER OF APPRECIATION DATED 29/3/2007 ISSUED TO THE PETITIONER BY THE MANAGER OF MASCOT HOTEL. EXHIBIT P4(B) TRUE COPY OF THE LETTER OF APPRECIATION

ISSUED TO THE PETITIONER BY THE CHAIRMAN OF KTDC. EXHIBIT P5 TRUE COPY OF THE RELEVANT PORTION OF THE

MINUTES OF THE DIRECTOR BOARD MEETING THE KTDC IN WHICH RESOLUTION NOS.5277 AND 5278 DATED 2/6/2007 APPROVING THE SPECIAL RULES WERE PASSED. EXHIBIT P6 TRUE COPY OF THE PROCEEDINGS DATED 2/8/2007 OF THE 3RD RESPONDENT REGULARISING THE SERVICE OF SRI.A.RAJENDRAN. EXHIBIT P7 TRUE COPY OF THE REPRESENTATION DATED MANAGING DIRECTOR OF KTDC. EXHIBIT P8 TRUE COPY OF THE NOTIFICATION PUBLISHED BY THE KTDC IN THE MALAYALA MANORAMA DAILY DATED 19/8/2009 INVITING APPLICATIONS TO THE POST OF A/C MECHANIC.

EXHIBIT P8(A) TRUE COPY OF THE ORDER DATED 5/6/2010 OF THE 3RD RESPONDENT APPOINTING 5TH RESPONDENT AS A/C MECHANIC. EXHIBIT P8(B) TRUE COPY OF THE ORDER DATED 5/6/2010 OF THE 3RD RESPONDENT APPOINTING 7TH RESPONDENT AS A/C MECHANIC. EXHIBIT P8(C) TRUE COPY OF THE ORDER DATED 5/6/2010 OF THE 3RD RESPONDENT APPOINTING 8TH RESPONDENT AS A/C MECHANIC. EXHIBIT P9 TRUE COPY OF THE MINUTES OF THE BOARD MEETING DATED 7/10/2010 OF KTDC DECIDING TO REGULARISE 61 CONTRACT EMPLOYEES. EXHIBIT P10 TRUE COPY OF G.O DATED 11/11/2014 APPROVING THE SPECIAL RULES, 2014 FOR THE KTDC. EXHIBIT P11 TRUE COPY OF THE RELEVANT PORTIONS OF THE RECRUITMENT (QUALIFICATION AND METHOD OF APPOINTMENT) RULES FOR KTDC, 2014. WP(C).No.17805 OF 2020 6 EXHIBIT P12 TRUE COPY OF COMMON JUDGMENT DATED 4/3/2015 IN WP(C) NO.5904/2011 AND CONNECTED CASES. EXHIBIT P13 TRUE COPY OF PROCEEDINGS DATED 10/4/2015 OF THE 3RD RESPONDENT REGULARISING THE SERVICES OF 42 CONTRACT EMPLOYEES. EXHIBIT P14 TRUE COPY OF THE REPRESENTATION DATED EXHIBIT P15 TRUE COPY OF THE MINUTES OF THE 286TH MEETING OF THE BOARD OF DIRECTORS OF THE KTDC HELD ON 10/08/2015. EXHIBIT P16 TRUE COPY OF THE JUDGMENT DATED 1/6/2016 IN WPC NO.2383/2016 OF THIS HON'BLE COURT. EXHIBIT P17 TRUE COPY OF NOTICE DATED

8/6/2016 ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT. EXHIBIT P18 TRUE COPY OF THE COMMUNICATION DATED EXHIBIT P19 TRUE COPY OF THE MINUTES OF THE 292ND MEETING OF THE BOARD OF DIRECTORS OF KTDC

HELD ON 7/12/2016.

EXHIBIT P20 TRUE COPY OF THE GO DATED 5/11/2019 ISSUED BY 1ST RESPONDENT APPROVING THE PROPOSAL OF KTDC. EXHIBIT P21 TRUE COPY OF THE RTI APPLICATION DATED TO THE 3RD RESPONDENT. EXHIBIT P21(A) TRUE COPY OF THE REPLY DATED 24/11/2015 PETITIONER IN EXT.P21 APPLICATION. EXHIBIT P22 TRUE COPY OF THE RTI APPLICATION DATED EXHIBIT P22(A) TRUE COPY OF THE REPLY DATED 22/9/2016 PETITIONER IN EXT.P22 APPLICATION. EXHIBIT P23 TRUE COPY OF THE TRI APPLICATION DATED WP(C).No.17805 OF 2020 7 EXHIBIT P23(A) TRUE COPY OF THE REPLY DATED 13/11/2019 PETITIONER IN EXT.P23 APPLICATION. EXHIBIT P24 TRUE COPY OF THE RTI APPLICATION DATED EXHIBIT P24(A) TRUE COPY OF THE REPLY DATED 13/11/2019 GIVEN TO THE PETITIONER IN EXT.P24 APPLICATION BY THE 3RD RESPONDENT. EXHIBIT P25 TRUE COPY OF THE 2ND RTI APPLICATION DATED EXHIBIT P25(A) TRUE COPY OF THE REPLY DATED 6/12/2019 PETITIONER IN EXT.P24 APPLICATION. EXHIBIT P26 TRUE COPY OF THE RTI APPLICATION DATED EXHIBIT P26(A) TRUE COPY OF THE REPLY DATED 16/12/2019 PETITIONER IN EXT.P24 APPLICATION. EXHIBIT P27 TRUE COPY OF THE 2ND RTI APPLICATION DATED EXHIBIT P27(A) TRUE COPY OF THE REPLY DATED 6/1/2020 GIVEN BY THE 3RD RESPONDENT TO THE PETITIONER IN EXT.P24 APPLICATION. EXHIBIT P28 TRUE COPY OF THE APPLICATION DATED 3/1/2020 SUBMITTED BY THE PETITIONER UNDER THE RTI ACT TO THE 3RD RESPONDENT. EXHIBIT P28(A) TRUE COPY OF THE REPLY DATED 20/1/2020 PETITIONER IN EXT.P24 APPLICATION. EXHIBIT P29 TRUE COPY OF THE REPRESENTATION DATED EXHIBIT P30: TRUE COPY OF LETTER DATED 09/11/2020 ISSUED BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT.

EXHIBIT P31 TRUE COPY OF ORDER

WP(C).No.17805 OF 2020 8 NO.KTDC/PA2/RECON/HELPER/2021 DATED RESPONDENT'S/S EXHIBITS: EXHIBIT R3(A) TRUE COPY OF RESIGNATION LETTER DATED 31.5.2008 SUBMITTED BY THE 1ST RESPONDENT/PETITIONER IN W.P(C). EXHIBIT R3(B) TRUE COPY OF EXTRACTS FROM THE MINUTES OF THE 292ND MEETING OF THE BOARD OF DIRECTORS

OF THE 1ST PETITIONER/2ND RESPONDENT HELD

ON 7.12.2016.

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