

State of Kerala vs Sheela

State of Kerala vs Sheela

SooperKanoon Citation : sooperkanoon.com/1722280

Court : Kerala

Decided On : Feb-01-2021

Judge : Honourable Mr.Justice a.M.Shaffique,Honourable Mr. Justice Gopinath P.

Appeal No. : OP(KAT)/448/2019

Appellant : State of Kerala

Respondent : Sheela

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFIFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. MONDAY, THE 01ST DAY OF FEBRUARY 2021 / 12TH MAGHA,1942 WA.No.2633 OF 2017 AGAINST THE JUDGMENT IN WPC 9832/2016 DATED 13-09-2017 OF HIGH COURT OF KERALA APPELLANT/1ST RESPONDENT IN WPC: STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT OF KERALA, DEPARTMENT OF SOCIAL JUSTICE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER RESPONDENTS/PETITIONERS & 2ND RESPONDENT IN WP(C): 1 ANCY K. (DIED) ASSISTANT, MAHATMA

GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. (*RECORDED AS PER ORDER DATED 7/12/2020) 2 MAYA P.C ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. 3 SOLY ABRAHAM ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. -: 2 :- 4 MOLLYKUTTY A.T ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. 5 RAMADEVI N.S ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. 6 SABU M.R ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. 7 BABU JOHN ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. 8 BINDU M.G ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. 9 SHIBU C.J ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. 10 MERCY T. VARGHESE ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. 11 BIBY SAIDU P.S ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. 12 LATHA .K ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. 13 SURESH.N ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. -: 3 :- 14 ANITHA NEELAKANTAN ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. 15 SEENIA SEBASTIAN ASSISTANT, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, KOTTAYAM. 16 MAHATMA GANDHI UNIVERSITY REPRESENTED BY ITS REGISTRAR, PRIYADARSHINI HILLS, KOTTAYAM.

R1 BY ADV. SRI.NEMISH NIRANJAN ZAVERI R1-12, R14-15 BY ADV. ADV.BRIJESH MOHAN (B/O) R13 BY ADV. ADV.P.C.SASIDHARAN (B/O) R16 BY SRI.ASOK M. CHERIAN, SC, M.G. UNIVERSITY THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 17-12-2020, ALONG WITH OP(KAT).448/2019, OP(KAT).70/2020, OP(KAT).93/2020,

OP(KAT).96/2020, OP(KAT).121/2020, WA.1394/2019, THE COURT ON 1.02.2021 DELIVERED THE FOLLOWING: -: 4 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. MONDAY, THE 01ST DAY OF FEBRUARY 2021 / 26TH AGRAHAYANA, OP(KAT).No.448 OF 2019 AGAINST THE ORDER IN OA[EKM] 908/2017 OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 13/3/2019 PETITIONERS/RESPONDENTS 1 TO 6 IN OA:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001, KERALA. 2 THE SECRETARY, SOCIAL JUSTICE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, KERALA-695001. 3 THE LAND REVENUE COMMISSIONER, PUBLIC BUILDING OFFICE, MUSEUM JUNCTION, THIRUVANANTHAPURAM, KERALA-695003. 4 THE LAND REVENUE JOINT COMMISSIONER, PUBLIC BUILDING OFFICE, MUSEUM JUNCTION, THIRUVANANTHAPURAM, KERALA-695003.

5 THE DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION, PALAKKAD-678001, KERALA. -: 5 :- 6 THE DISTRICT COLLECTOR, ALAPPUZHA-688001, KERALA. BY SR GOVERNMENT PLEADER SRI.B.VINOD SR.GOV.T.PLEADER SRI.T.RAJESEKHARAN NAIR RESPONDENTS/APPLICANTS & RESPONDENTS 7 TO 11 IN OA: 1 SHEELA W/O.GOPIKUTTAN, RETNALAYAM, PUZHAKKALTHARA, KOLLENGODE, PALAKKAD-678506, WORKING AS L.D.TYPIST, COLLECTORATE, PALAKKAD, KERALA-678001. 2 SREEDEVI, W/O.OMANAKUTTAN PILLAI, CHAKKIRETHU HOUSE, KADAVOOR, KARIPPUZHA P.O., MAVELIKKARA, ALAPPUZHA-690101, WORKING AS L.D.TYPIST, OFFICE OF SURVEY AND LAND RECORDS, CHENGANNUR - 689121, KERALA. 3 SHYLAJA A., U.D.TYPIST, OFFICE OF THE DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION, PALAKKAD, KERALA-678001. 4 SREEJITH S., U.D.TYPIST, COLLECTORATE, IDUKKI. 5 JINIMOL JAMES, U.D.TYPIST, COLLECTORATE, IDUKKI. 6 SATHEESH K., U.D.TYPIST,

COLLECTORATE, THRISSUR-680001 (DELETED AS PER ORDER DATED 16.08.2018 IN MA

(EKM) NO.1709/2018), KERALA. 7 USHAKUMARI K., U.D.TYPIST, COLLECTORATE, MALAPPURAM-676505, KERALA. R1-2 BY ADV. SRI.U.BALAGANGADHARAN R1-2 BY ADV. SMT.S.ANJUSHA -: 6 :- R4 BY ADV. SRI.BIJU K. VAVA R4 BY ADV. SRI.V.GIRISHKUMAR R5 BY ADV. SRI.K.S.ARUN KUMAR R5 BY ADV. SRI.JUSTINE JACOB

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD ON 17-12-2020, ALONG WITH OP(KAT).70/2020, OP(KAT).93/2020, OP(KAT).96/2020, OP(KAT).121/2020, WA.2633/2017, WA.1394/2019, THE COURT ON 1.02.2021 DELIVERED THE FOLLOWING: -: 7 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. MONDAY, THE 01ST DAY OF FEBRUARY 2021/26TH AGRAHAYANA, 1942 OP(KAT).No.70 OF 2020 AGAINST THE ORDER IN OA (EKM) 1997/2016 DATED 11-10-2019 OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM PETITIONERS/RESPONDENTS IN OA: 1 THE GOVERNMENT OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, SOCIAL JUSTICE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001. 2 THE DIRECTOR OF CIVIL SUPPLIES, CIVIL SUPPLIES OF DEPARTMENT, THIRUVANANTHAPURAM-695001. BY SRGOVERNMENT PLEADERS SRI.B.VINOD, SRI.T.RAJASEKHARAN NAIR RESPONDENT/APPLICANT IN OA: T.K.YOOSAF, AGED 42, S/O.T.K.KUNJUKUNJU, THEKKEKKARA, PEZHAKKAPPILLY.P.O., MUVATTUPUZHA, ERNAKULAM DISTRICT-686674, NOW WORKING AS LOWER DIVISION CLERK, TALUK SUPPLY OFFICE, MUVATTUPUZHA, ERNAKULAM, KERALA-686961. MOB.9847111583. R1 BY ADV. SRI.C.DILIP THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD ON 17-12-2020, ALONG WITH OP(KAT) NOS.448/2019, 93/2020, 96/2020, 121/2020, WA.2633/2017 & -: 8 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. MONDAY, THE 01ST DAY OF FEBRUARY 2021 / 26TH AGRAHAYANA, OP(KAT).No.93 OF 2020 AGAINST THE ORDER IN OA 2132/2016 DATED 12-07-2019 OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM PETITIONER/1ST AND 3RD RESPONDENTS IN OA: 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, SOCIAL JUSTICE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM PIN 695 001 2 THE SECRETARY TO GOVERNMENT, PERSONAL AND ADMINISTRATIVE REFORMS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM PIN 695 001. BY SR GOVERNMENT PLEADERS SRI.B.VINOD, SRI.T.RAJASEKHARAN NAIR RESPONDENT/APPLICANT & 2ND RESPONDENT IN THE OA: 1 ANITHA N., AGED 42 YEARS W/O. J. STUVERT, RESIDING AT KUZHIYAM MADATHI, G.R.A-41, GANDHIPURAM, SREEKARYAM P.O, THIRUVANANTHAPURAM PIN 695 017 NOW WORKING AS ASSISTANT, KERALA PUBLIC SERVICE COMMISSION, PATTOM, THIRUVANANTHAPURAM, PIN 695 004. -: 9 :- 2 THE KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY, PATTOM, THIRUVANANTHAPURAM , PIN 695 004

R1 BY ADV. SRI.BRIJESH MOHAN R1 BY ADV. SMT.RESMI G. NAIR R2 BY ADV.SRI.P.C.SASIDHARAN THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD ON 17-12-2020, ALONG WITH OP(KAT).448/2019, OP(KAT).70/2020, OP(KAT).96/2020, OP(KAT).121/2020, WA.2633/2017, WA.1394/2019, THE COURT ON 1.02.2021 DELIVERED THE FOLLOWING: -: 10 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. MONDAY, THE 01ST DAY OF

FEBRUARY 2021 / 26TH AGRAHAYANA, OP(KAT).No.96 OF 2020 AGAINST THE ORDER IN OA (EKM) 1182/2019 DATED 06-08-2019 OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM PETITIONERS/RESPONDENTS 1 TO 5 IN OA: 1 STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY, GENERAL EDUCATION DEPARTMENT, THIRUVANANTHAPURAM-695001. 2 THE DIRECTOR OF PUBLIC INSTRUCTIONS, NOW DIRECTOR OF GENERAL EDUCATION JAGATHY, THIRUVANANTHAPURAM-695014. 3 THE DEPUTY DIRECTOR OF EDUCATION, CIVIL STATION, ERNAKULAM-682031. 4 THE DEPUTY DIRECTOR OF EDUCATION, CIVIL STATION, PALAKKAD-678001. 5 THE HEADMISTRESS, GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL, ERNAKULAM SOUTH, ERNAKULAM-678001. BY GOVERNMENT PLEADER :- 11 :- RESPONDENT/APPLICANT IN OA: SUSHAMA P.G., D/O.M.GOVINDA MENON LATE, OFFICE ATTENDANT, GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL, ERNAKULAM SOUTH, ERNAKULAM, RESIDING AT CHERINGAL HOUSE, KARIYAMKODE (PO), ANIKODE, PALAKKAD-678572. THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD ON 17-12-2020, ALONG WITH OP(KAT).448/2019, OP(KAT).70/2020, OP(KAT).93/2020, OP(KAT).121/2020, WA.2633/2017, WA.1394/2019, THE COURT ON 1.02.2021 DELIVERED THE FOLLOWING: :- 12 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. MONDAY, THE 01ST DAY OF FEBRUARY 2021 / 26TH AGRAHAYANA, OP(KAT).No.121 OF 2020

AGAINST THE ORDER IN OA 2132/2016 DATED 12-07-2019 OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM PETITIONER/RESPONDENT NO.2: THE KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY, PATTOM, THIRUVANANTHAPURAM, KERALA-695004. BY ADV. SHRI.P.C.SASIDHARAN, SC, KPSC RESPONDENTS/APPLICANTS & RESPONDENT NOS.1 & 3:

1 SMT.ANITHA N., AGED 42 YEARS, W/O.J.STUVERT, KUZHIYAM MADATHIL, G.R.A.-G-41, GANDHIPURAM, SREEKARIYAM.P.O., THIRUVANANTHAPURAM, PIN- 695017, NOW WORKING AS ASSISTANT, KERALA PUBLIC SERVICE COMMISSION, PATTOM, THIRUVANANTHAPURAM, KERALA-695004.

2 THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY, SOCIAL JUSTICE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, KERALA-695001. -: 13 :- 3 THE SECRETARY TO GOVERNMENT, PERSONAL AND ADMINISTRATIVE REFORMS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001. R1 BY ADV. SRI.BRIJESH MOHAN R1 BY ADV. SMT.RESMI G. NAIR R2 & R3 BY SR.GOV.T.PLEADERS SRI.B.VINOD, SRI.T.RAJESEKHARAN NAIR

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD ON 17-12-2020, ALONG WITH OP(KAT).448/2019, OP(KAT).70/2020, OP(KAT).93/2020, OP(KAT).96/2020, WA.2633/2017, WA.1394/2019, THE COURT ON 1.02.2021 DELIVERED THE FOLLOWING: -: 14 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. MONDAY, THE 01ST DAY OF FEBRUARY 2021 / 26TH AGRAHAYANA, WA.No.1394 OF 2019 AGAINST THE JUDGMENT IN WP(C) 36898/2018(J) OF HIGH COURT OF KERALA DATED 11/3/2019 APPELLANTS/RESPONDENTS 1& 2 IN WP(C):

1 THE SECRETARY TO GOVERNMENT OF KERALA, LABOUR AND SKILLS (H) DEPARTMENT, SECRETARIAT, STATUE, THIRUVANANTHAPURAM. 2 THE SECRETARY TO GOVERNMENT OF KERALA, SOCIAL JUSTICE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, KERALA-695001. BY SR GOVERNMENT PLEADERS SRI.B.VINOD, SRI.T.RAJESEKHARAN NAIR RESPONDENTS/PETITIONERS & RESPONDENT NO.3 IN WPC:

1 SHEREENA C., W/O.PRABHATH, 'DEVATHARU', PADINJARARE PARAMBIL KALLERI, PERUVAYAL POST, 673008, NOW WORKING AS L.D. CLERK, KOZHIKODE DISTRICT COMMITTEE OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD (KHWW BOARD). - : 15 :- 2 SABIRA P., W/O. MUHAMMED BASHEER, VAVI VILLA, PANNIKKOTTIL, AYIKKARAPPADI P.O., VENNAYOOR, CHERUKAVU, MALAPPRUAM-673637, NOW WORKING AS L.D. CLERK, KOZHIKODE DISTRICT COMMITTEE OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD. 3 SAJITHA S., W/O. AJAYAKUMAR R., MANJALIKATTU, VAYALAR P.O., CHERTHALA, VAYALAR, ALAPPUZHA-588536, NOW WORKING AS L.D. CLERK, AROOR SUB OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, AROOR, ALAPPUZHA. 4 SHEELA P., W/O. BABU K.M., KARTHIKA, MUHAMMA P.O., ALAPPUZHA-688525, NOW WORKING AS L.D. CLERK, ALAPPUZHA DISTRICT, COMMITTEE OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, THATHAMPALLY P.O., ALAPPUZHA. 5 SAVITHRI N., W/O. K. SUBRAMANIAN, KANJOOR MANA, KODUMANAD, MUTHUTHALA, PALAKKAD-679303, NOW WORKING AS L.D. CLERK, PERINTHALMANNA SUB OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, MALAPPURAM. 6 KADHEEJA, D/O. MUHAMMED, KUNNISSERI HOUSE, KOOTIL, MALAPPURAM-679324, NOW WORKING AS L.D. CLERK, PERINTHALMANNA SUB OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, MALAPPURAM. 7 ABDUL KHADER P., CHALATHEEYIL HOUSE, THIROORANGADI P.O., MALAPPURAM-676306, NOW WORKING AS L.D. CLERK, THANOOR SUB OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, THANOOR, MALAPPURAM- - : 16 :- 8 SMITHAMOL R.T., D/O. THANKAPPAN, KOMATHADATHIL, POOTHADI P.O., POOTHADI, KENICHIRA, WAYANAD-673596, NOW WORKING AS L.D. CLERK, SULTAN BATHERY SUB OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, SULTAN BATHERI. 9 SANTHA K., W/O. T. RAVINDRAN, THODENCHATH, NAIRTHARA, VAIDYASALA, VADAVANNOOR, CHITTOOR, PALAKKAD- 678504, NOW WORKING AS L.D. CLERK, PALAKKAD DISTRICT COMMITTEE OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, T.B. ROAD, PALAKKAD. 10 FARZANA K., D/O. P.M.KAJA HUSAIN, 20/584 (21/804), RIFAZ MANZIL, VADAKUMMURI, KAIMANDAPAM, PALAKKAD-

675001, NOW WORKING AS L.D. CLERK, PALAKKAD DISTRICT OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, T.B. ROAD, PALAKKAD. 11 SWAMINATHAN R., S/O. UMA PARVATHY, L.N. 3/125, KAMAKSHI VIHAR, KUMARAPURAM, AMBIKAPURAM, PALAKKAD-678011, NOW WORKING AS L.D. CLERK, PUTHUSSERY SUB OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, PALAKKAD. 12 VIMAL P.M., S/O. VIJAYAKUMAR M.P., CHATHURVI, PUZHAKKAL, KANNADI P.O., PALAKKAD 678701, NOW WORKING AS L.D. CLERK, PALAKKAD DISTRICT COMMITTEE OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, PALAKKAD. 13 MEENA V., D/O.LAKSHMI V., PUNNASSERI HOUSE, VAZHAKOOTIL, VETAKARA P.O., PALAKKAD, NOW WORKING AS L.D. CLERK, CHERPULASSERY SUB OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, CHERPULASSERY, PALAKKAD. -: 17 :- 14 SUMA P.S., W/O. RAJEEV, MULLAPARAMBIL HOUSE, MULLAKKAL CHALA, PERUMATTI VILLAGE, PATTANCHERI, KANNIMERI, PALAKKAD-678534, NOW WORKING AS L.D. CLERK, KOLLAMKODE SUB OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, PALAKKAD. 15 RAZIYA A., D/O. HANEEFA A., ILLIAS MANZIL, KERALA PARAMBU, VANOOR P.O., ALATHOOR, PALAKKAD-678541, NOW WORKING AS L.D. CLERK, ALATHOOR SUB OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, COURT ROAD, ALATHOOR. 16 TENNYSON NELLANKARA C., NELLANGARA HOUSE, VASANTH NAGAR P.O., ELTHURUTHU P.O., THRISSUR-680006, NOW WORKING AS L.D. CLERK, THRISSUR DISTRICT OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, THRISSUR. 17 GOPINATHAN P., S/O. KALYANIKUTTY AMMA, KOTTAPPURATHU HOUSE, CHITTELAPPILLY, THRISSUR-680551, NOW WORKING AS L.D. CLERK, THRISSUR DISTRICT OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, THRISSUR. 18 BIJU V.S., S/O. V.K. SADANANDAN, VADASSERY HOUSE, ANTHIKKAD P.O., ANTHIKKAD, THRISSUR-680641, NOW WORKING AS L.D. CLERK, THRISSUR DISTRICT OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, THRISSUR. 19 CLINTI P.V., AGED 44 YEARS, S/O. VASU, PATHIYADAN HOUSE, PUTHUR P.O., PUTHUR, THRISSUR-680014, NOW WORKING AS L.D. CLERK, THRISSUR DISTRICT OFFICE, KERALA HEADLOAD WORKERS WELFARE

BOARD, THRISSUR-680001. -: 18 :- 20 VALSA JOSE, AGED 46 YEARS , W/O. JOSE PAUL, CHIRAKKAL, PONGANAMKAD, KURICHIKKARA P.O., KURICHIKKARA, THRISSUR- 680028, NOW WORKING AS L.D. CLERK, VIVATTOM - KOTAZHI SUB OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, VIYYOOR P.O., THRISSUR-680010. 21 GEETHA P.M., AGED 37 YEARS, W/O. SUDHEER,VISHARATH HOUSE, CHOOLPURAM, KOTTAPPADY P.O., KOTTAPPADY, THRISSUR-680505, NOW WORKING AS L.D. CLERK, CHAVAKKAD/GURUVAYOOR SUB OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, CHAVAKKAD-680506. 22 K.G. SHANMUGHAN, AGED 40 YEARS, S/O. GANGADHARAN, KARANANKOTT HOUSE, KOTTAPADY P.O., KOTTAPADI, THRISSUR-680505, NOW WORKING AS L.D. CLERK, KUNNAMKULAM SUB OFFICE, KERALA HEADLOAD WORKERS WELFARE BOARD, PATTAMBI ROAD, KUNNAMKULAM, THRISSUR-680001. 23 ANTONY MATHEW, AGED 42 YEARS S/O. P.M. MATHEW, PULINCHUVATTIL HOUSE, T.C. THRISSUR-680007, NOW WORKING AS L.D. CLERK, KOORKANCHERY SUB OFFICE, KHWB BOARD, CHEEYARAM P.O., THRISSUR-680001. 24 PRASAD P.S., AGED 43 YEARS S/O. SIVAN NAIR, PULLATTUKUDY HOUSE, ASAMANNOOR POST, ODAKKALY, ERNAKULAM-683549, NOW WORKING AS L.D. CLERK, PERUMBAVOOR SUB OFFICE, KHWB BOARD, PERUMBAVOOR-683542. -: 19 :- 25 PRINCY K.V., AGED 39 YEARS W/O. ANIL KUMAR, P.S., PUTHETHUMUGAL, VEMBILLY P.O., VEMBILLY, ERNAKULAM-683565, NOW WORKING AS L.D. CLERK, TRIPUNITHUR SUB OFFICE, KHWB BOARD, MARKET ROAD JUNCTION, TRIPUNITHURA-682301. 26 SHINI P.J., AGED 42 YEARS W/O. JOJO MATHEW, THANNIKOTTU HOUSE, PALLIYAKKAL, EZHIKKARA P.O., EZHIKKARA, ERNAKULAM-683513, NOW WORKING AS L.D. CLERK, ALUVA SUB OFFICE, KHWB BOARD, OLD PRIVATE BUS STAND, ALUVA-686101. 27 XAVIOUR ANTONY E.L., AGED 48 YEARS S/O. EX. LAWRENCE, EDAVAZHICKAL HOUSE, MUNDAMVELI P.O., MUNDAMVELI, ERNAKULAM-682507, NOW WORKING AS L.D. CLERK, ERNAKULAM DISTRICT OFFICE, KHWB BOARD, T.D. ROAD, ERNAKULAM, KOCHI-682035. 28 LUBEENA, D/O. KABEER, PADANILATHU HOUSE, PUTHUVASSERY, NEDUMBASSERY P.O., ALUVA-683585, NOW WORKING AS L.D. CLERK, KALAMASSERY SUB OFFICE,

KHWW BOARD, PATHADIPPALAM, CHANGAMPUZHA NAGAR P.O., KOCHI-682033. 29 IDA ROSEY SINI M.A., D/O.M.C. ANTONY, MANAYIL HOUSE, KANNAMPILLY ROAD, PACHALAM P.O., PACHALAM, ERNAKULAM- 682012, NOW WORKING AS L.D. CLERK, KHWW BOARD OFFICE, PB NO.2017, S.R.M. ROAD, ERNAKULAM, KOCHI-682018. -: 20 :- 30 K.B. VINOD, S/O. BHASKARAN K.V., KADAPARAMBU HOUSE, NEENDOOR, VADAKKEKKARA, KERALA-683522, NOW WORKING AS L.D. CLERK, KHWW BOARD OFFICE, PB- 2017, S.R.M. ROAD, ERNAKULAM, KOCHI-682018. 31 SHEENA A.A., D/O. AYYAPPANKUTTY, ATHIKKATTU HOUSE, EDATHURUTHY P.O., EDATHURUTHY, THRISSUR-680703, NOW WORKING AS L.D. CLERK, KHWW BOARD, EDATHURUTHY, THRISSUR-680703. 32 P. UNNIKRISHNAN, S/O. P. VELAYUDHAN, PANARUNDIL HOUSE, AKAMBADAM, ERANTHIMANGAD P.O., MALAPPURAM- 679343, NOW WORKING AS L.D. CLERK, NILAMBUR SUB OFFICE, KHWW BOARD, MUNICIPAL BUS TERMINAL, NILAMBUR-679329. 33 YOUSAFF K.P., S/O. MAITHEEN KOYA, EDASSERY HOUSE, VALLIKKUNNU NORTH, VALLIKKUNNU P.O., KADALUNDINAGARAM, MALAPPURAM-673314, NOW WORKING AS OFFICE ASSISTANT, TANUR SUB OFFICE, KHWW BOARD, TANUR, MALAPPURAM-676302. 34 CHACKOCHAN E.V., S/O. VARKEY, ESWARAMTHADATHIL, KURUMULLOR, KANAKKARI, KOTTAYAM-686632, NOW WORKING AS OFFICE ASSISTANT, ERATTUPETTA SUB OFFICE, KHWW BOARD, KOTTAYAM-686121. 35 ABDUL SALAM T.U., S/O. USMANKUTTY, THACHIRIKALPARAMBU, EDAYAR, BINANIPURAM P.O., BINANIPURAM, ERNAKULAM- 683502, NOW WORKING AS OFFICE ASSISTANT, THRIKKAKKARA SUB OFFICE, KHWW BOARD, VAZHAKKALA, KOZHI-682021. -: 21 :- 36 MOHANAN A.K., S/O. KANNAN, ALINGAPARAMBA, KOTTUVALLY, KYTHARAM P.O., ERNAKULAM DISTRICT, NOW WORKING AS OFFICE ASSISTANT, VYPIN SUB OFFICE, KHWW BOARD, NAYARAMBALAM-682509. 37 VARGHESE P.G., S/O. GEORGE, PALLIYIL HOUSE, SATHAL ISLAND, MOOTHAKUNNAM P.O.M ERNAKULAM-681513, NOW WORKING AS OFFICE ASSISTANT, ERNAKULAM DISTRICT OFFICE, KUMMENCHERRY BUILDING, T.D. ROAD, ERNAKULAM, KOCHI-682038. 38 ABDUL KHADER P., S/O. PAINADU RAWUTHER, H.NO.267, KANNODE, KANJIKODE, PUTHUSSERY CENTRE, PALAKKAD -678621, NOW WORKING AS OFFICE

ASSISTANT, PUTHUSSERY SUB OFFICE, KHWB BOARD, PALAKKAD-678623. 39 BALACHANDRAN A., S/O. ARUCHAMY, MANTHAYAM, ELEVENCHERRY P.O., ELEVENCHERRY, PALAKKAD-678508, NOW WORKING AS OFFICE ASSISTANT, KOLLENGODE SUB OFFICE, KHWB BOARD, NENMARA ROAD, KOLLANGODE-678504. 40 HARIDAS P., S/O. PONNU, 15/4, KANDAD KALAM, CHEMMANTHODE, CHATHAMANGALAM, PALAKKAD-678508, NOW WORKING AS OFFICE ASSISTANT, WADAKKANANCHERRY SUB OFFICE, KHWB BOARD, WADAKKANANCHERRY, PALAKKAD-678683. 41 SUBRAMANIYAN K.P., S/O. TAMI, 253, KAIPPARAMBIL, PALLIKARAM P.O. , PATTAMBI, PALAKKAD-679805, NOW WORKING AS OFFICE ASSISTANT, KOOTTANADU SUB OFFICE, KHWB BOARD, MAIN ROAD, KOOTTANADU-679533. 42 IBRAHIM A., S/O. MUHAMMED, ARIYANI, KORAMKADAVU, KAYKURASSI P.O., MANNARKKAD, PALAKKAD-678595, NOW WORKING AS OFFICE ASSISTANT, OTTAPPALAM SUB OFFICE, KHWB BOARD, OTTAPPALAM-678504. -: 22 :- 43 KASIM C., S/O. NABEESA, CHOLAPPADAM, UMMANCHI, PULAPPATTA, PALAKKAD-678632, NOW WORKING AS OFFICE ASSISTANT, CHERPULASSERY SUB OFFICE, KHWB BOARD, CHERPULASSERY-679503. 44 RADHAKRISHNAN P., S/O. T. PAZHANIMALA, KOLUMBI HOUSE, PANAYAMPARA, KOOTTALA, ERIMAYOOR-II, PALAKKAD- 678681, NOW WORKING AS OFFICE ASSISTANT, ALATHUR SUB OFFICE, KHWB BOARD, COURT ROAD, ALATHUR-678541. 45 UDAYAPRAKASH R., S/O. RAMAKRISHNAN C., CHERUVALLIKADU, MATHUR- II, PALAKKAD-678571, NOW WORKING AS OFFICE ASSISTANT, KUZHALMANDAM SUB OFFICE, KHWB BOARD, CROWN TOWER, KUZHALMANDAM-678702. 46 ABDUL RAZAK S., S/O. SYED MUHAMMED, M.S.M. HOTEL, VITHANASSERY, NENMARA P.O., VELLANGI, PALAKKAD-678208, NOW WORKING AS OFFICE ASSISTANT, ALATHUR SUB OFFICE, KHWB BOARD, COURT ROAD, ALATHUR-678541. 47 MAHESWARY, W/O. SATHEESAN, CHANTHU NIVAS, PALLIPURAM, ALAPPUZHA, NOW WORKING AS OFFICE ASSISTANT, ALAPPUZHA DISTRICT OFFICE, KHWB BOARD, THATHAMPILLY P.O., ALAPPUZHA-688013. 48 K.G.VIKRAMAN, S/O. GOPALAN ACHARI, KARIPPOLIL, KIZHAKKETHIL HOUSE, VOTTUVENI, HARIPAD P.O., NOW WORKING AS OFFICE ASSISTANT, CHENGANNOOR

SUB OFFICE, KHWB BOARD, CHENGANNUR-678504. -: 23 :- 49 SUNIL KUMAR K., S/O. BALAKRISHNAN, PRANAVAM, VALIYAKATHU, PARAMBA 39/1893, PALLIYANGADI, KOZHIKKODE- 673021, NOW WORKING AS OFFICE ASSISTANT, KOZHIKKODE DISTRICT OFFICE, KHWB BOARD, CHEROOTY ROAD, KOZHIKKODE-673001. 50 K.P. DENESAN, S/O. KARTHIYAYANI, CHEPPUKULATHIL, KUNNAMANGALAM P.O., KUNNAMANGALAM, KOZHIKKODE- 673571, NOW WORKING AS OFFICE ASSISTANT, KOYILANDI SUB OFFICE, KHWB BOARD, KOYILANDI-673305. 51 AHAMMED KABEER, S/O. KOYA, PARAPPUKADAVATHU, KOLATHYUPARAMB, OTHUKKUNGAL P.O., OTHUKKUNGAL, MALAPPURAM- 676528, NOW WORKING AS OFFICE ASSISTANT, EDPPAL SUB OFFICE, KHWB BOARD, EDAPPAL, MALAPPURAM-679676. 52 SURESH M.P., S/O. PARAN, MANGAPARAMBIL, ANNAKKARA P.O., ANNAKKARA, THRISSUR-680508, NOW WORKING AS OFFICE ASSISTANT, KUNNAMKULAM SUB OFFICE, KHWB BOARD, KUNNAMKULAM, THRISSUR-680503. 53 SUNIL N.P., S/O. PADMANABHAN, NAYARUSSERY HOUSE, EDAVANAKKAD, ERNAKULAM-682502, NOW WORKING AS OFFICE ASSISTANT, TRIPUNITHURA SUB OFFICE, KHWB BOARD, TRIPUNITHURA , ERNAKULAM-682301. 54 THOMAS C.A., S/O. ANTONY, CHIRAKKAL HOUSE, KEDAMANGALAM, N., PARAVOOR P.O., PARAVOOR-683513, NOW WORKING AS OFFICE ASSISTANT, PERUMBAVOOR SUB OFFICE, KHWB BOARD, PERUMBAVOOR-683542. -: 24 :- 55 ANEESH KUMAR P., PANARKAND, MUDAPPATTU PALAM, KURUVISSERY P.O., KARAPARAMBA, KOZHIKKODE-673010, NOW WORKING AS OFFICE ASSISTANT, KOZHIKKODE DISTRICT OFFICE, KHWB BOARD, CHEROOTY ROAD, KOZHIKKODE-673001. 56 MANI M.K., S/O. KUMARAN, MONIPPALLY HOUSE, THEKKUMBHAGAM, TRIPUNITHURA, 682301, NOW WORKING AS OFFICE ASSISTANT, COCHIN COURT TRUST.

57 THE KERALA HEADLOAD WORKERS WELFARE BOARD, P.B. NO.2017, S.R.M. ROAD, ERNAKULAM, KOCHI, REPRESENTED BY ITS CHIEF EXECUTIVE. ADDL.R58 TO 81 ARE IMPEADED 58 ANU B.R., AGED 31 YEARS, S/O. BALAKRISHNAN P., SREE PANCHAMI, PULLAYIL (P.O.), KILIMANUR-695 601. WORKING AS

L.D. CLERK , IN KERALA HEADLOAD WORKERS WELFARE BOARD(KHWW BOARD), ERNAKULAM,S.R.M.ROAD, KOCHI-682 018.

59 MANJUSHA NAIR P., AGED 42 YEARS,D/O.GANGADHARAN NAIR G., MANJUSHA, NMC-5/131,KOOTTAPPANA, NEYYATTINKARA P.O.,PIN-695 121. WORKING AS L.D.CLERK,IN KERALA HEADLOAD WORKERS WELFARE BOARD(KHWW BOARD,ERNAKULAM, S.R.M. ROAD, KOCHI-682 018. 60 JESEERA K.J., AGED 32 YEARS,D/O.MUHAMMED KABEER,FATHIMA MANZIL, TC.53/1015,NEMOM P.O., WORKING AS LD CLERK. IN KERALA HEADLOAD WORKERS WELFARE BOARD(KHWW BOARD), ERNAKULAM ,S.R.M. ROAD, KOCHI-682 018. -: 25 :- 61 JAYALEKSHMI P., AGED 39 YEARS,D/O.K.F.PRABHA,KANDATHINKAL (H), ARUNAPURAM P.O.,PALA, WORKING AS LD CLERK, IN KERALA HEADLOAD WORKERS WELFARE BOARD(KHWW BOARD), ERNAKULAM ,S.R.M. ROAD, KOCHI-682 018. 62 RESMI B.S., D/O.V.RAVEENDRAN,RESMI NIVAS,N.M.C.10/192,PULIPARA, NEDUMANGAD P.O., WORKING AS LD CLERK. IN KERALA HEADLOAD WORKERS WELFARE BOARD(KHWW BOARD), ERNAKULAM ,S.R.M. ROAD, KOCHI-682 018. 63 BINOY P., AGED 28,S/O.PATHROSE D.,VIPIN NIVAS,KOPPACHIVILA, PALOTTUVILA,MALAYINKIL P.O., WORKING AS LD CLERK. IN KERALA HEADLOAD WORKERS WELFARE BOARD(KHWW BOARD), ERNAKULAM ,S.R.M. ROAD, KOCHI-682 018.

64 RAGITHA K.R., AGED 40 YEARS,D/O.P.RATHINAM,VALATTUSSERIL, ALAMTHURUTHY P.O.,THIRUVALLA. 65 HARITHA HARISH, AGED 37 YEARS,D/O.M.G.HARISH,833A,GURUSOOLATHAM, SANTHIGIRI P.O., TRIVANDRUM. 66 HARITHA G., AGED 36 YEARS,D/O.K.GOPI,VAZHAYIL PARAMBU, KAROOR,AMBALAPPUZHA P.O., ALAPPUZHA. 67 RUBY G.S., AGED 32 YEARS,D/O.GOPINADHAN P.,RENNY VILASOM, THRIIPPILAZHIKOM P.O., KUNDARA,KOLLAM. -: 26 :- 68 SEENIYA P., AGED 41 YEARS,D/O.K.A.PRABHAKARAN, PRABHALARAM,THATHAMPALLY, ALAPPUZHA-688 006. 69 SURYA GANGADHARAN, D/O.K.G.PILLAI,AGED 36 YEARS, PUTHUVEETIL PUTHENVEEDU, WEST KALLADA.

70 SEENA S., D/O.P.S.SIDHARTHAN,AGED 40 YEARS,SREEBHAVAN,KIZHAVOOR, MUTHATHALA P.O., KOLLAM-691 577. 71 SANTHOSH KUMAR V., S/O.VIJAYAN PILLAI,AGED 31, NELLOOR VEEDU,PAVUMPA NORTH,PAVUMPA P.O.,KOLLAM-690 574. NOW WORKING AS L.D. CLERK, IN KERALA HEADLOAD WORKERS WELFARE BOARD(KHWW BOARD), ERNAKULAM,S.R.M. ROAD, KOCHI-682 018. 72 SABEENA A., D/O.ABDUL VAHID,AGED 35,P.A.HOUSE, PADA NORTH,KARUNAGAPPALLY P.O., KOLLAM-690 518. 73 PRASANNA R.I., AGED 42,RAMAGAM,MULLARAVILA, PERUMPAZHUTHOOR P.O.,PIN-695 126. 74 ARCHANA A.R., AGED 29 YEARS,D/O.ASOKAN G., REMANI VILASAM,NEDUMPARAMBU P.O., ALAMCODE (VIA),TRIVANDRUM. NOW WORKING AS L.D. CLERK, IN KERALA HEADLOAD WORKERS WELFARE BOARD(KHWW BOARD), ERNAKULAM,S.R.M. ROAD, KOCHI-682 018. -: 27 :- 75 SIDDIK O.K., S/O.MUHAMMED O.,ODUVANKATRTIL HOUSE, VEERAMANGALAM P.O., PALAKKAD DISTRICT-679 503. WORKING AS L.D. IN KOOTANAD SUB OFFICE,PALAKKAD. 76 SUBINA B., D/O.P.M.BASHEER,ZENANA,COLLEGE ROAD, ATTINGAL,ATTINGAL (P.O.)- 695 101. NOW WORKING AS L.D. CLERK, IN KERALA HEADLOAD WORKERS WELFARE BOARD(KHWW BOARD), ERNAKULAM,S.R.M. ROAD, KOCHI-682 018. 77 JASNA S., W/O.SIYAD,AGED 31,NANNANTHALA KIZHAKKUMKARA PUTHEN VEEDU, LLANDHIYAM P.O.,PERINGAMALA, TRIVANDRUM-695 503. NOW WORKING AS L.D. CLERK, IN KERALA HEADLOAD WORKERS WELFARE BOARD(KHWW BOARD), ERNAKULAM,S.R.M. ROAD, KOCHI-682 018. 78 RATHEESH R.G., S/O.RAJAPPAN NAIR N.,RAHESH BJA VAN VELLANICKAL,ALIYADU P.O.,VENJARAMOODU, NOW WORKING AS L.D. C. , KERALA HEADLOAD WORKERS WELFARE BOARD(KHWW BOARD), ERNAKULAM,S.R.M. ROAD, KOCHI-682 018.

79 SHEJIN M.P., AGED 31 YEARS,S/O.PRAKASAN M.K., HUNYDEW(H),ARA 59A, TC 76/368(3), ANAYARA P.O., THIRUVANANTHAPURAM-695 029. 80 SHEBIN SHEMEER, S/O.SHEMEER,SHIBIN HOUSE,KETTUPLACHI, VILAKKUPARA P.O., KOLLAM. -: 28 :- 81 KIRAN S.KUMAR, S/O.SREEKUMARAN NAIR,SHANTHI BHAVAN, MANNAMMOOLA,PERORKADA P.O., TRIVANDRUM-5. ARE IMPEADED AS

ADDL.58 TO ADD.R81 AS PER

ORDER DATED 15.11.2019 IN I.A.1/2019 IN WA

82 LAKSHMI SEETHAL, (CORRECTED*) AGED 41 YEARS, W/O.GOPAL, RESIDING AT VRINDAVAN, KERAKKAD STREET, KANNANKULANGARA, NORTH PARAVUR. IS IMPEADED AS ADDL.R82 AS PER ORDER DATED 15.11.2109 IN IA.2/2019 IN WA 1394/2019. *THE NAME OF ADDL.R82 IS CORRECTED AS LAKSHMI SREEDHAR R. , AS PER ORDER DATED 04/12/2019 IN I.A.4/2019 IN WA 1394/2019.

83 BABITHA KRISHNAN S., AGED 40 YEARS, D/O.R.RADHAKRISHNAN NAIR, RESIDING AT SREE BHAVAN, KALLIYOOR P.O., TRIVANDRUM-695 042. IS IMPEADED AS ADDL.R83 AS PER ORDER DATED R58 TO 81 BY ADV. M.R.SARIN PANICKER R82 BY ADV. SRI.T.C.KRISHNA R82 BY ADV. SRI.C.ANIL KUMAR R82 BY ADV. SMT.ASHA K.SHENOY R82 BY ADV. SRI.PRATAP ABRAHAM VARGHESE R58-81 BY ADV. M.R.SARIN R82 BY ADV. SRI.P.RAMAKRISHNAN R82 BY ADV. SMT.PREETHI RAMAKRISHNAN R83 BY ADV. M.S.AMAL DHARSAN THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 17-12-2020, ALONG WITH OP(KAT).448/2019, 70/2020, 93/2020, 96/2020, THE FOLLOWING: -: 29 :-

JUDGMENT

WA Nos.2633/2017, 1394/2019, OP(KAT) Nos.448/19, 70, 93, 96 & 121/2020
Dated this the 1st day of February, 2021

Shaffique, J.

OP(KAT) No.96/2020 has been filed by the State of Kerala and its officers challenging an order passed by the Kerala Administrative Tribunal setting aside Government Order dated which we shall deal with later.

2. The substantial question that had arisen for

consideration in these cases relate to appointment made to differently abled persons pursuant to Government Order dated as a policy took a decision to reappoint or regularize in service differently abled candidates who were provisionally employed through the employment exchanges between 16/8/1999 to issued to various departments to create supernumerary posts -: 30 :- and it was specifically indicated that those posts shall stand abolished on the incumbent retiring from service.

3. Applicant in OA (Ekm) No.1182/2019 also got

appointment pursuant to the above Government Order. But she was posted at Government UP School, Kalady in Ernakulam District. She belongs to Palakkad District. She sought for a transfer to Palakkad. But no action was taken in the matter and therefore she approached the Tribunal by filing OA (Ekm) No.461/2019 which came to be disposed on 8/3/2019 directing the Government to consider her claim for transfer. Her request was rejected as per Annexure A10 order dated 19/6/2019. The Tribunal by the impugned order allowed her claim for transfer.

4. OP(KAT) No.448/2019 is filed challenging order dated

Tribunal were appointed in the Land Revenue Department, Survey and Land Records Department and in the office of the District Collector, Palakkad and Alappuzha as LD Typists. They joined service and their probation was also declared. They were included in the seniority list of LD Typists in their respective -: 31 :- districts. Later they were issued with notice dated 10/6/2016 by the Land Revenue Commissioner informing that they were not eligible for inclusion in the seniority list. They were asked to show cause why they should not be removed from the seniority list. It is pointed out that the said notice was issued pursuant to Government Order dated 3/2/2016 wherein it was clarified that the appointments of differently abled persons made pursuant to Government Order GO(P)No.63/2013/SJD dated 7/8/2013 were against supernumerary posts on condition that when they retire from service, such posts would cease to exist and therefore, their appointment could not be considered for seniority, probation, promotion or other service benefits. Since their appointments were made after 1/04/2013, they would come under the National Pension Scheme and their

retirement age is 60 years. They were also not eligible for transfer to another station. Accordingly, the orders declaring probation was cancelled and they were removed from the seniority list. This came to be challenged before the Tribunal in OA (Ekm) No.908/2017. The Tribunal having observed that treating the differently abled persons different from others -: 32 :- and denying them promotion and other service benefits would amount to hostile discrimination and accordingly, directed that they should be given all benefits of declaration of probation as well as seniority in the cadre.

5. OP(KAT) No.70/2020 has been filed against order dated

was appointed as a Lower Division Clerk in the Civil Supplies Department on 19/9/2013. According to him, though he completed the period of probation, the same has not been declared. He was not included in the final seniority list pursuant to GO(P)No.1/2016/SJD dated 3/2/2016 which came to be

challenged before the Tribunal. The Tribunal based on judgment

in WP(C) No. 9832/2016 and OA(Ekm) No.908/2017 held that since the appointment against the supernumerary post is liable to be regularized against regular vacancies, the applicant will be eligible for all service benefits including declaration of probation, seniority, further promotions etc, which is impugned by the State and its Officers.

6. OP(KAT) No.93/2020 has been filed by the State and its

-: 33 :- officers challenging order dated 12/7/2019 in OA No.2132/2016. The applicant initially worked as Assistant Grade II in Kerala Public Service Commission provisionally. Later she was appointed as Lower Division Clerk in the Central Plantation Corps Research Institute against a vacancy reserved for differently abled candidate. The Government issued order dated 18/5/2013 [GO(P) No.40/2013] directing that all DA persons who were employed in service under Rule 9(a)(i) of Part II of the KS & SSR during the period from 16/8/1999 to 31/12/2003 are to be appointed by creating supernumerary posts. 2677 supernumerary posts were so created and accordingly, her service was

regularized as per

order dated 20/11/2013 in the Kerala Public Service Commission.

Later, GO(P)No.1/2016/SJD dated 3/2/2016 came to be issued clarifying that those persons appointed pursuant to GO(P)No. probation or seniority. This came to be challenged before the Tribunal. Tribunal based on its order passed in OA (Ekm) No.908/2017 and judgment dated 13/9/2017 in WP(C) No. -: 34 :- service of the applicant against the regular vacancy of Assistant, which arose immediately after 12/12/2013. KPSC has also filed

OP(KAT) No.121/2020 challenging the aforesaid impugned order

in OA No.2132/2016.

7. WA No.2633/2027 has been filed by State of Kerala

and its officers challenging judgment in WP(C) No. 9832/2016. The petitioners in the said case were appointed as Assistants in the Mahatma Gandhi University pursuant to orders issued as per GO(P) No.40/2013 dated 18/5/2013. Exts.P5 and P6 were the orders issued in that regard. As per the order of appointment, Ext.P5, they were placed below Smt.Aniamma Manual as the junior-most Assistants. They were to be on probation for a period of one year within a continuous period of two years as per 10(1) Part 1 Chapter 4 of the Mahatma Gandhi University Statutes, 1997. In Ext.P6 order also, similar provisions were incorporated.

The probation in respect of four of the petitioners were declared as per Ext.P7 order issued on 22/12/2014. They further submitted that they appeared in the departmental test and were included in Ext.P8 list of test qualified hands. While so, Government issued -: 35 :- Ext.P9 GO(P) No.1/2016 dated 3/2/2016 wherein it was clarified that they would not be eligible for seniority or declaration of probation since they were appointed against supernumerary posts. In the writ petition, they challenged Clauses (5) and (6) of Ext.P9 order dated 3/2/2016. State apparently took up a contention that they were all persons appointed under a special scheme and they were not entitled for any benefits other than what has been conferred on

them as per the respective Government Orders. Learned Single Judge however allowed the writ petition forming an opinion that once the differently abled persons are absorbed in a service, they cannot be denied the service benefits which are enjoyed by other regular appointees. Accordingly, Clauses (5) and (6) of Ext.P9 were set aside and it was declared that the petitioners would be entitled to all benefits on the basis of their appointment as per Exts.P5 and P6 including declaration of probation, promotion and seniority.

8. WA No. 1394/2019 has been filed challenging

judgment dated 11/3/2019 in WP(C) No. 36898/2018. In that

case, petitioners were persons who were appointed in the :- 36 :- establishment of Kerala Headload Workers Welfare Board. They were appointed as LD Clerks and Office Assistants based on GO(P)No.40/2013 dated 18/5/2013. They also challenged the denial of declaration of probation, promotion, seniority etc. based on GO(P)No.1/2016 dated 3/2/2016. Learned Single Judge placing reliance on the judgment in WP(C) No. 9832/2016 allowed the writ petition and granted the reliefs by declaring that the petitioners are entitled to all benefits on the basis of their appointment in supernumerary posts including declaration of probation, promotion and seniority.

9. On behalf of the State, we heard Senior Government

Pleaders Sri.B.Vinod and Sri.T.Rajasekharan Nair. On behalf of the respondents, we heard Senior counsel Sri.Gracious Kuriakose, learned counsel Sri.Brijesh Mohan, Sri.U.Balagangadharan and Sri.C.Dilip.

10. The main contention urged by the State is that by

GO(P)No.40/2013, the intention of the Government was to accommodate differently abled persons who were working on provisional basis during a specified period in order to :- 37 :- accommodate them in different departments of the State by creating supernumerary posts, which posts were to extinguish on their retirement. There arose some doubt with reference to the character of their appointment in different departments and it is pursuant to such queries that the

Government had clarified the matter by issuing GO(P) No.1/2016 dated 3/2/2016. Therefore, when in GO(P) No.40/13 itself, it was specifically mentioned that those supernumerary posts would not go beyond the date of retirement of the concerned candidate, it implies that they would remain in the same post until their retirement and would not be eligible for any benefits other than salary, pension etc. Reference is also made to the Constitution Bench judgment of the Apex Court in Secretary, State of Karnataka and Others v. Umadevi [(2006) 4 SCC 1] to indicate that GO(P) No.40/2013 was not based on the said judgment. The candidates aforesaid are not persons who were eligible to be regularized in service against any sanctioned posts. They were admittedly provisional employees who were only being appointed on a provisional basis through employment exchange for short periods. Since they were -: 38 :- all differently abled persons, Government took a conscious decision to accommodate them by a different method of appointment without increasing the cadre strength in any of those departments. When it was specifically mentioned in GO(P) No.40/2013 that the said supernumerary posts would extinguish on retirement of the respective candidates, it implies that they will not be entitled for any other benefits like promotion, seniority etc. Reference is also made to the judgment of the Apex Court in P.P.C.Rawani v. Union of India [(2008) 15 SCC 332]. Paragraphs 9 and 10 are relevant, which reads as under:

9. The orders dated 9-4-1987 and 29-10-1991 [(1992) 1 SCC 331 : 1992 SCC (L&S) 309 : (1992) 19 ATC 503] make it clear that this Court did not intend any regularised doctor to steal a march over the regularly appointed doctors, either individually or as a group. To ensure that the seniority and promotional prospects of regularly recruited doctors were not affected, this Court directed a separate seniority list in respect of the regularised doctors and clarified that their promotions will only be in supernumerary posts to be created. Supernumerary posts are non-cadre permanent posts. They are created to accommodate the lien of officers who are entitled to hold a lien against regular permanent posts. Being ex-cadre posts, no specific duties are attached to them and the officers concerned usually perform duties in some vacant temporary or permanent posts. (Vide D.K. Reddy v. Union of India [(1996) 10

-: 39 :- SCC 177 : 1996 SCC (L&S) 1386] .)

10. If all the ad hoc doctors were to be regularised with effect

from the date of their initial appointment, with seniority also from the date of initial appointment, there will be no difference between regular recruitment and regularisation of ad hoc appointments, thereby defeating the very purpose of systematic regular recruitment through UPSC. Ad hoc or stopgap appointees were not normally regularised and given seniority from the date of initial appointment. They were usually given regularisation and seniority only after a certain period of service, which used to vary from one year to ten years or even more.

Yet another judgment relied upon in Surendra Kumar and Others v. Greater Noida Industrial Development Authority and Others [(2015) 14 SCC 382]. Paragraphs 13 and 14 are relevant, which reads as under:-

13. Considering the facts of the present case on the touchstone laid down in Umadevi (3) case [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] , it will be seen that the Division Bench was not right in setting aside the appointment of the appellants. More so, it was nobody's case challenging the appointment of the appellants. Admittedly, the appellants were engaged as contractual employees from 1994 and have completed more than ten years of continuous service with Respondent 1. They continued in service not by the orders of the Court/Tribunal, but by the decision of the respondents. The appellants were

-: 40 :-

regularised as per the policy decision dated 16-4-2003 taken by Respondent 1 and approved by the State Government vide Letter dated 5-3-2008. Since the appointment of the appellants were made pursuant to the policy of regularisation, the High Court was not right in quashing

the appointment of the appellants as the same were never in question before the High Court. The plea that was raised by the appellants was only to seek regularisation with retrospective effect from 20-11-2002 and the consequential seniority.

14. The appellants were initially engaged on contractual

basis and they were not appointed against any sanctioned post before they were substantially appointed on the said post on 6-8-2010. Even though advertisement dated 20-11-2002 indicated that there were vacancies, the policy of regularisation of contractual employees was approved by the State Government only on 5-3-2008. The appellants were appointed on the post of Assistant Manager (Civil) only pursuant to the policy decision of the respondents for regularisation of contractual employees and thus, the appellants cannot seek for regularisation with retrospective effect from 20-11-2002, that is when the advertisement was issued, because at that time regularisation policy was not in vogue. By policy of regularisation, it was intended to give the benefit only from the date of appointment. The Court cannot read anything into the policy decision which is plain and unambiguous. Having accepted the appointment orders dated 6-8-2010 and also joined the post, the appellants cannot turn round and claim regularisation with

-: 41 :- retrospective effect.

11. On the other hand, learned counsel appearing for the

writ petitioners would support the view taken by the learned Single Judge as well as the Tribunal. It is inter alia contended that writ petitioners are persons with disabilities and they are differently abled persons and when the Government had taken a policy decision to accommodate them in service in different departments, they should be given all the benefits that accrue to other similarly placed persons. It is also stated that in some of the departments, with respect to some of the petitioners, probation had already been declared. The substantial argument of the

counsel appearing for the writ petitioners is that once the Government had created supernumerary posts and had appointed the differently abled persons in various departments, they should be treated in par with other regular employees. When a concession is extended and they are regularly appointed, the service conditions applicable to other employees should automatically apply to the petitioners, failing which, it amounts to discrimination. That apart, petitioners are all differently abled persons and they have a right to be governed by the provisions - 42 :- of Rights of Persons with Disabilities Act, 2016. They should not be discriminated against others who have been appointed. It is also pointed out that all Government employees are entitled to get seniority as provided under R.27 of KS & SSR and Rule does not distinguish between regular employees and employees appointed in supernumerary posts.

12. It is not in dispute that in Umadevi's case (supra),

the Constitution Bench had deprecated the practice of regularizing persons engaged on temporary basis. Therefore, as far as the petitioners are concerned, they were all engaged for short periods on a casual basis in various departments of the State during the period between 16/8/1999 till 31/12/2003. Under normal circumstances and in the light of the judgment of the Apex Court aforesaid, they were not entitled for regularization. The Apex Court in the judgment aforesaid had only permitted regularization of persons who had been irregularly appointed, but duly qualified in duly sanctioned posts and have been working for ten years or more without the intervention of orders of the courts or Tribunals. The regularization of such employees was directed - 43 :- to be considered as a one time measure. It is apparent that petitioners will not fall within the said category as they were working only for short periods. However, Government as a policy, to favour differently abled persons, decided to permanently appoint them in service by creating supernumerary posts. It need not be stated that supernumerary posts are additional posts outside the cadre strength. Even in the Government Order dated the incumbents are reappointed shall stand extinguished on their retirement. Therefore, there is clear intendment that their appointment in the said post was until their retirement. In other words, they were not treated as regular employees of the State who could have claimed other benefits as available to a regular

employee appointed through Kerala Public Service Commission and to be governed by the service conditions applicable to regular employees. When the appointments were made based on Government Order dated 18/5/2013, the petitioners could not have claimed anything more than what was specified under the said Government Order. It is when a doubt had arisen regarding -: 44 :- their claim for other benefits that a clarification had been issued as per Government order dated 3/2/2016 GO(P)No.1/2016. It is stated that 2677 differently abled persons were appointed by creating supernumerary posts and those posts will cease to be in effect on their retirement. Several departments had sought for clarification regarding their service conditions, seniority, probation, promotion etc. Government after having considered the entire issues decided to extend leave, travelling allowance, daily allowance and medical reimbursement as extended to regular employees including increment, and provident fund will be in terms of the National Pension Scheme. They were also entitled for pension as per the National Pension Scheme and their age of retirement will be 60 years. But as far as seniority is concerned, it is stated that since the candidates who had appointed will retire in the same post, they will not be entitled for benefits of regular employees like seniority and probation. With reference to promotion also, it is indicated that there would not be a combined seniority list in respect of supernumerary employees and regular employees and they will not be entitled -: 45 :- for promotion as provided for regular employees. With reference to transfer also, it is stated that those persons will not be entitled for inter-department or inter-district transfer. The disciplinary action will be in terms with the Kerala Civil Service (Classification, Control and Appeal) Rules. In the Government Order dated retire in the same post and once they retire, the supernumerary post shall stand extinguished. Once it is stated that they shall remain in the same post and the appointments were made pursuant to the said Government Order, apparently they cannot claim any promotion. In fact, some of the departments had declared probation and had also included them in the seniority list. But from the factual aspects involved in the case and as narrated above, those persons who have been appointed pursuant to Government Order dated 18/5/2013 by itself have to be treated as a separate class who do not have the right to be promoted since they were accommodated only as a gesture of goodwill extended by the

Government especially on account of the fact that they were differently abled. -: 46 :-

13. By referring to judgment in Union of India and

Others v. Dr.Akhilesh Chandra Agrawal [(1998) 4 SCC 107], Sri.Brijesh Mohan, learned counsel appearing for some of the applicants, submitted that the persons who have been appointed in supernumerary posts cannot be given any differentiation from

that of persons appointed in regular posts. Apparently the facts

of that case was different. In that case, in an earlier proceedings, there was a clear direction that the appellants will be treated as regularized in Group A of Central Health Service from 1/1/1973 or the date of their first initial appointment in the service and consequential orders were also passed. It is contrary to the said directions that the Tribunal held that those appointed in supernumerary posts cannot claim administrative powers and have to be treated as different ones.

14. In fact, what is required to be considered is the terms

of appointment. As already stated, the Government under normal circumstances could not have regularized casual workers employed during short period of service when the appointment was not made by complying with the procedure established by -: 47 :- law. All these persons were working only for short periods and were not selected by any selection process known to law. But the Government consciously took a decision to give them regular appointments on account of the fact that they were differently abled persons. When the Government had relaxed the norms and had gone beyond their powers to extend certain benefits to a class of people, necessarily the terms of appointment have to be strictly adhered to. When it was specifically stated that they will have to remain in the said post until their retirement, it clearly indicates that it is not a regular appointment and it cannot be compared with the appointment made after a due selection process.

15. Yet another contention urged by the learned counsel is

with reference to the right of differently abled persons under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 2016. In fact, the said Act has no application as their appointments were not made invoking the provisions of the Act.

16. Having regard to the aforesaid factual situation, we do

-: 48 :- not think that the applicants had been discriminated in any manner. They were only extended a benefit subject to certain conditions. They are treated as regular employees except for the purpose of declaration of probation, seniority, promotion and transfer. When a concession is extended by the Government as a matter of policy, it shall be open for the Government to impose conditions. It cannot be stated that such conditions would violate Art.14 of the Constitution of India nor would it amount to any form of discrimination as contended by the applicants. In the result, we allow the original petitions and set aside the impugned order in OP(KAT) Nos.448/19, 70, 93, 96 & setting aside the judgment of the learned Single Judge. Sd/- A.M.SHAFIQUE JUDGE Sd/- GOPINATH P. Rp JUDGE -: 49 :- APPENDIX OF WA NO.1394/2019 APPELLANT'S EXHIBITS: NIL RESPONDENT'S EXHIBITS ANNEXURE R58(A) TRUE PHOTOCOPY OF THE RELEVANT PORTION OF THE RANK LIST DATED ANNEXURE R58(B) TRUE PRINT OUT OF THE WEBSITE PAGE SHOWING THE DETAILS OF THE VACANCY REPORTED BY THE 57TH RESPONDENT. -: 50 :- APPENDIX OF OP(KAT) 448/2019 PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE OA (E) NO.908/2017 ALONG WITH ITS ANNEXURES. EXHIBIT P1(A1) TRUE COPY OF THE PROCEEDINGS DATED 19.10.2013 OF THE DISTRICT COLLECTOR, PALAKKAD. EXHIBIT P1(A2) TRUE COPY OF THE PROCEEDINGS DATED 23.10.2013 OF THE DISTRICT COLLECTOR, ALAPPUZHA. EXHIBIT P1(A3) TRUE COPY OF THE ORDER OF THE DISTRICT COLLECTOR, PALAKKAD DATED 04.11.2015 DECLARING PROBATION OF THE FIRST APPLICANT. EXHIBIT P1(A4) TRUE COPY OF THE ORDER OF THE DISTRICT COLLECTOR, ALAPPUZHA DATED 11.01.2016 DECLARING PROBATION OF THE SECOND RESPONDENT. EXHIBIT P1(A5) TRUE COPY OF THE EXTRACT OF THE RELEVANT PAGE OF SENIORITY LIST. EXHIBIT P1(A6) TRUE COPY OF THE COMMUNICATION DATED

19.04.2016 ISSUED BY THE LAND REVENUE COMMISSIONER, THIRUVANANTHAPURAM TO THE DISTRICT COLLECTOR, PALAKKAD. EXHIBIT P1(A7) TRUE COPY OF THE NOTICE DATED 10.06.2016 ISSUED BY THE LAND REVENUE COMMISSIONER, THIRUVANANTHAPURAM. EXHIBIT P1(A8) TRUE COPY OF THE GOVERNMENT ORDER GO(P) NO.1/2016/SJD DATED 03.02.2016. -: 51 :-

EXHIBIT P1(A9) A TRUE COPY OF THE ORDER

NO.A-/1/2015/69576/9 DATED 03.03.2016 OF THE DISTRICT COLLECTOR, PALAKKAD. EXHIBIT P1(A10) TRUE COPY OF THE ORDER NO.A-3.19058/16/K.DIS. DATED 23.05.2016 OF THE DISTRICT COLLECTOR, ALAPPUZHA. EXHIBIT P1(A11) A TRUE COPY OF THE PROCEEDINGS NO.LRT(5)-20122/2016 DATED 06.08.2016 OF THE LAND REVENUE JOINT COMMISSIONER, THIRUVANANTHAPURAM.

EXHIBIT P1(A12) A TRUE COPY OF THE ORDER

NO.LRN2/3493/2015 DATED 07.04.2017 OF THE LAND REVENUE JOINT COMMISSIONER, THIRUVANANTHAPURAM. EXHIBIT P2 PHOTOCOPY OF THE REPLY STATEMENT OF THE 1ST RESPONDENT. EXHIBIT P3 A PHOTOCOPY OF THE MA (EKM) NO.1027/2018 ALONG WITH ITS ANNEXURE. EXHIBIT P3(A13) TRUE COPY OF THE PROCEEDINGS NO.LRN2/3493/2015 DATED 14.11.2017 OF THE 4TH RESPONDENT. EXHIBIT P4 A PHOTOCOPY OF THE ORDER DATED 13.03.2019 IN OA (EKM) NO.908/2017. EXHIBIT P5 A PHOTOCOPY OF THE GO(P)NO.40/2013/SJD DATED 18.05.2013. EXHIBIT P6 A PHOTOCOPY OF THE GO(P) NO.63/2013/SJD DATED 07.08.2013. RESPONDENT'S EXHIBITS: EXHIBIT R1A A TRUE COPY OF THE G.O.(P) NO.6/95/P & ARD DATED 30/03/1995. -: 52 :- APPENDIX OF OP(KAT) 70/2020 PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE O.A.(EKM)NO.1997/2016 ALONG WITH ANNEXURES. EXHIBIT P1(A1) TRUE COPY OF THE REPRESENTATION DATED 11.1.2016 SUBMITTED BY THE APPLICANT TO THE 2ND RESPONDENT. EXHIBIT P1(A2) A TRUE COPY OF THE G.O.(P)63/13/SJD DATED 7.8.2013 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P1(A3) TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT NO.(CS)B4 15617/15 DATED 10.5.2016. EXHIBIT P1(A4) TRUE COPY OF THE G.O.(P)NO.1/16/SJD, DATED 3.2.2016 ISSUED BY THE 1ST RESPONDENT. EXHIBIT P2 TRUE COPY OF THE ORDER DATED 11.10.2019. EXHIBIT P3 TRUE COPY OF THE ORDER DATED 6.2.2018. EXHIBIT P4 TRUE COPY OF THE ORDER DATED 5.3.2018. EXHIBIT P5 A TRUE COPY OF THE ORDER DATED 7.11.2019. -: 53 :- APPENDIX OF OP(KAT) 93/2020 PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE O.A NO. 2132/2016 ALONG WITH ANNEXURES BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL EXHIBIT P1 (A1) COPY OF THE DISABILITY CERTIFICATE

DATED 27-2-2009 BY SL. NO. 421/09 ISSUED BY THE MEDICAL BOARD OF THE MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM.

EXHIBIT P1(A2) COPY OF THE ORDER BY NO. ESTT.II(3) EXHIBIT P1(A3) COPY OF THE DISCHARGE CERTIFICATE DATED 7-3-2001 ISSUED BY THE OFFICE OF THE 2ND RESPONDENT EXHIBIT P1(A4) COPY OF THE ORDER BY NO. F.NO.4(21)/2005 ESU DATED 01-06-2011 EXHIBIT P1(A5) COPY OF THE G.O(P) NO. 40/13 DATED 18- 05-2013 ISSUED BY THE 1ST RESPONDENT. EXHIBIT P1(A6) COPY OF THE ORDER DATED 7-8-2013 BY NO. EXHIBIT P1(A6)(A) COPY OF THE LIST APPENDED TO ANNEXURE A6 WHICH FEATURES THE NAME OF THE APPLICANT AS SERIAL NO. 80 EXHIBIT P1(A7) COPY OF THE ORDER BY NO. 80/13 DATED 7- 10-2013 OF THE 1ST RESPONDENT EXHIBIT P1(A8) COPY OF THE G.O 96/13 DATED 8-1-2013 OF THE 1ST RESPONDENT -: 54 :- EXHIBIT P1(A9) COPY OF THE REQUEST DATED 3-10-2013 SUBMITTED BY THE APPLICANT BEFORE THE DIRECTOR CPCRI, KASARGODE EXHIBIT P1(A10) COPY OF THE COMMUNICATION ISSUED BY ESTT. 11(3) 9407/2013 DATED 8-10-2013 EXHIBIT P1(A11) COPY OF THE ORDER BY NO. F.NO. 4(21)/05/ESTT (VOL.27) DATED 9-12-2013 EXHIBIT P1(A12) COPY OF THE ORDER BY NO. ESTT 11 (3) EXHIBIT P1(A13) COPY OF THE ORDER BY NO. ESTT 11(3)- THE 2ND RESPONDENT. EXHIBIT P1(A14) COPY OF THE CERTIFICATE ID 34551 #1#4 DATED 02-05-2015 EXHIBIT P1(A15) COPY OF THE CERTIFICATE ID 47715

#1#6 DATED 04-05-2016 ISSUED BY THE 2ND RESPONDENT EXHIBIT P1(A16) COPY OF THE ORDER DATED 3-2-2016 ISSUED BY NO. 1/16/SJD ISSUED BY THE 1ST RESPONDENT EXHIBIT P1(A17) COPY OF THE REPRESENTATION DATED 9-8- 2016 SUBMITTED BY THE APPLICANT TO THE 1ST RESPONDENT EXHIBIT P1(A18) THE POSTAL RECEIPT BY NO. RL 012185942 IN DATED 10-08-2016 EXHIBIT P1(A19) COPY OF THE ACKNOWLEDGEMENT CARD DATED 11-08-2016 EXHIBIT P1(A20) COPY OF THE RPERESENTATION DATED 09-08- 2016 SUBMITTED BY THE APPLICANT BEFORE THE 2ND RESPONDENT -: 55 :- EXHIBIT P1(A21) copy of the postal receipt by no. rl 012185956 in dated 10-08-2016 EXHIBIT p1 (A22) copy of the acknowledgement card dated 11-08-2016 EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT DATED 30-11-2018 FILED BY THE FIRST PETITIONER BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL. EXHIBIT P3 TRUE COPY OF THE THE REJOINDER DATED 04-02-2019 FILED BY THE RESPONDENT ALONG WITH EXHIBITS EXHIBIT P3(A23) COPY OF THE RELEVANT EXTRACTS OF RULE 69(C) OF THE KERALA FINANCIAL CODE, VOL.I EXHIBIT P3(A24) TRUE COPY OF LETTER NO. ESTT-1 1(3) KERALA PSC EXHIBIT P3(A25) TRUE COPY OF LETTER NO. ESTT.11 (3) EXHIBIT P3(A26) TRUE COPY G.O(P) NO. 8/17/SWD DATED EXHIBIT P3(A27) TRUE COPY OF G.O(P) NO. 18/99/P ARD DATED 13/10/1999 EXHIBIT P3 9A28) TRUE COPY OF THE G.O(MS) NO. 22/2014/P AND ARD DATED 21/07/2014 EXHIBIT P3(A29) TRUE COPY OF THE G.O(MS) NO. 26/2015/P AND ARD DATED 04/09/2015 EXHIBIT P3(A30) TRUE COPY OF THE JUDGMENT DATED 13-09-2017 OF THE HIGH COURT OF KERALA IN W.P(C) NO. 9832/2016 (D) -: 56 :- EXHIBIT P4 TRUE COPY OF THE ADDITIONAL REPLY STATEMENT DATED 25-05-2019 FILED BY THE FIRST PETITIONER BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL EXHIBIT P5 CERTIFIED COPY OF THE ORDER OF THE KEERALA ADMINISTRATIVE TRIBUNAL DATED 12-07-2019 IN OA 2132/2016 -: 57 :- APPENDIX OF OP(KAT) 96/2020 PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF O.A.(EKM)NO.1182/2019 ALONG WITH ITS ANNEXURES. EXHIBIT P1(A1) TRUE COPY OF THE MEDICAL CERTIFICATE NO.2030/17 DATED 20.12.2017 ISSUED BY THE MEDICAL BOARD, DISTRICT HOSPITAL, PALAKKAD. EXHIBIT P1(A2) TRUE COPY OF

GO(P)NO.40/2013/SJD DATED 18.5.2013. EXHIBIT P1(A3) TRUE COPY OF THE GO(P)NO.3/14/SJD DATED 17.1.2014. EXHIBIT P1(A4) TRUE COPY OF THE ORDER IN TA NO.119/2015 DATED 17.2.2016 OF THIS HON'BLE TRIBUNAL. EXHIBIT P1(A5) TRUE COPY OF ORDER NO.A2/19015/15 DATED 4.4.2016 ISSUED BY THE RESPONDENT NO.3. EXHIBIT P1(A6) TRUE COPY OF THE MEDICAL CERTIFICATE DATED 30.7.2018 ISSUED BY DR.GEORGE KALARIKKAL. EXHIBIT P1(A7) TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE APPLICANT TO SECOND RESPONDENT DATED 27.2.2019. EXHIBIT P1(A8) TRUE COPY OF THE GO(MS)01/2016/SJD DATED 3.2.2016. EXHIBIT P1(A9) A TRUE COPY OF THE ORDER IN OA(EKM) NO.461/2019 DATED 8.3.2019 OF THIS HON'BLE TRIBUNAL. -: 58 :- EXHIBIT P1(A10) TRUE COPY OF GO(RT)2414/2019/G.EDN DATED 19.6.2019. EXHIBIT P2 TRUE COPY OF THE ORDER DATED 6.8.2019 IN OA(EKM)NO.1182/2019. -: 59 :- APPENDIX OF OP(KAT) 121/2020 PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE O.A.NO.2132 OF 2016 WITH ITS ANNEXURES. EXHIBIT P1(A1) TRUE COPY OF THE DISABILITY CERTIFICATE

DATED 27.2.2009 BY SL.NO.421/09 ISSUED BY THE MEDICAL BOARD OF THE MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM. EXHIBIT P1(A2) TRUE COPY OF THE ORDER BY NO.ESTT.II/

(3) 21360/99/GW DATED 18.8.2000.

EXHIBIT P1(A3) TRUE COPY OF THE DISCHARGE CERTIFICATE DATED 7.3.2001 ISSUED BY THE OFFICE OF THE 2ND RESPONDENT. EXHIBIT P1(A4) TRUE COPY OF THE ORDER BY NO.F.NO.4(21)/2005 ESTT. DATED 1.6.2011. EXHIBIT P1(A5) TRUE COPY OF THE G.O.(P)NO.40/13 DATED 18.5.2013 ISSUED BY THE 1ST RESPONDENT. EXHIBIT P1(A6) TRUE COPY OF THE ORDER DATED 7.8.2013 BY NO.63/13 OF THE 1ST RESPONDENT. EXHIBIT P1(A6(A)) TRUE COPY OF THE LIST APPENDED TO ANNEXURE A6 WHICH FEATURES THE NAME OF THE APPLICANTS AS SERIAL NO.80. EXHIBIT P1(A7) TRUE COPY OF THE ORDER BY NO.80/13 DATED 7.10.2013 OF THE 1ST RESPONDENT. EXHIBIT P1(A8) TRUE COPY OF THE G.O.96/13 DATED 8.11.2013 OF THE 1ST RESPONDENT. -: 60 :- EXHIBIT P1(A9) TRUE

COPY OF THE REQUEST DATED 3.10.2013 SUBMITTED BY THE APPLICANT BEFORE THE DIRECTOR CPCRI, KASARGODE. EXHIBIT P1(A10) TRUE COPY OF THE COMMUNICATION ISSUED BY ESTT.11(3)-9407/2013 DATED 8.10.2013. EXHIBIT P1(A11) TRUE COPY OF THE ORDER BY NO.F.NO.421/050ESTT. (VOL.27) DATED 9.12.2013. EXHIBIT P1(A12) TRUE COPY OF THE ORDER BY NO.ESTT 11(3)-9407/2013 DATED 20.11.2013. EXHIBIT P1(A13) TRUE COPY OF THE ORDER BY NO.ESTT 11(3)-9407/2013/GW DATED 12.12.2013 ISSUED BY THE 2ND RESPONDENT. EXHIBIT P1(A14) TRUE COPY OF THE CERTIFICATE DATED 2.5.2015. EXHIBIT P1(A15) TRUE COPY OF THE CERTIFICATE ID 47715#1#6 DATED 4.5.2016 ISSUED BY THE 2ND RESPONDENT. EXHIBIT P1(A16) TRUE COPY OF THE ORDER DATED 3.2.2016 BY NO.1.16 ISSUED BY THE 1ST RESPONDENT. EXHIBIT P1(A17) TRUE COPY OF THE REPRESENTATION DATED 9.8.2016 SUBMITTED BY THE APPLICANT TO THE 1ST RESPONDENT. EXHIBIT P1(A18) TRUE COPY OF THE POSTAL RECEIPT BY NO.RL 012185942 IN DATED 10.8.2016. EXHIBIT P1(A19) TRUE COPY OF THE ACKNOWLEDGEMENT CARD DATED 11.8.2016. EXHIBIT P1(A20) TRUE COPY OF THE REPRESENTATION DATED 9.8.2016 SUBMITTED BY THE APPLICANT BEFORE THE 2ND RESPONDENT. -: 61 :- EXHIBIT P1(A21) TRUE COPY OF THE POSTAL RECEIPT BY NO.RL 012185956 IN DATED 10.8.2016. EXHIBIT P1(A22) TRUE COPY OF THE ACKNOWLEDGEMENT CARD DATED 11.8.2016. EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT FILED BY THE COMMISSION. EXHIBIT P3 TRUE COPY OF THE REPLY STATEMENT FILED BY THE 2ND RESPONDENT. EXHIBIT P4 TRUE COPY OF THE REJOINDER WITH ANNEXURES. EXHIBIT P4(A23) TRUE COPY OF THE RELEVANT EXTRACTS OF RULE 69(C) OF THE KERALA FINANCIAL CODE, VOL.I. EXHIBIT P4(24) TRUE COPY OF THE LETTER NO.ESTT-II(3) KERALA PSC. EXHIBIT P4(A25) TRUE COPY OF THE LETTER NO.ESTT-II(3) EXHIBIT P4(A26) TRUE COPY OF THE G.O.(P)NO.8/17/SWD DATED 6.5.2017. EXHIBIT P4(A27) TRUE COPY OF THE G.O.(P)NO.18/99/P&ARD DATED 13.10.1999. EXHIBIT P4(A28) TRUE COPY OF THE G.O. (MS)NO.22/2014/P&ARD DATED 21.7.2014. EXHIBIT P4(A29) TRUE COPY OF THE G.O. (MS)NO.26/2015/P&ARD DATED 4.9.2015. EXHIBIT P4(A30) TRUE COPY OF

THE JUDGMENT DATED 13.9.2017 OF THE HIGH COURT OF KERALA IN WPC.NO.9832 OF 2016 (D). EXHIBIT P5 COPY OF ADDITIONAL REPLY STATEMENT. -: 62 :- EXHIBIT P6 TRUE COPY OF THE ORDER DATED 12.7.2019 IN O.A.NO.2132 OF 2016.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com