
(2013) 03 KL CK 0041

In the High Court Of Kerala

Case No : Writ Petition (C) No. 18517 of 2011

Ashraf, M

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 12-03-2013

Acts Referred:

Administrative Tribunals Act, 1985 — Section 15, 15(1)(b)
Constitution of India, 1950 — Article 308, 309, 310, 311

Citation : (2013) 2 ILR (Ker) 811 : (2013) 2 KHC 559 : (2013) 2 KLJ 793 :
(2013) 2 KLT 852

Hon'ble Judges : Thottathil B. Radhakrishnan, J;B. Kemal Pasha, J

Bench : Division Bench

Advocate : S. Sreekumar, Sri. Jose Joseph Arayakunnel, Sri. Varghese Parambil, Sri. Albert Joseph and Sri. T.K. Kunjumon, for the Appellant; P.C. Sasidharan (S.C., KPSC) for 2nd Respondent, Sri. George Poonthottam (S.C. Kerala University) for Respondents 5 and 7 and Sri. T.A. Shaji S.C., M.G. University for respondents 6 and 8, for the Respondent

Judgement

1. The Order of the Court was pronounced by Thottathil B. Radhakrishnan, J.-- The issue referred for consideration of the Division Bench is; whether the Kerala Administrative Tribunal, for short, "SAT", has jurisdiction, power and authority in relation to matters pertaining to the service in connection with the affairs of the Kerala Public Service Commission, for short. "PSC". Heard the learned advocates for the parties.

2. Part XIV of the Constitution of India deals with services under the Union and the States. Examination of Articles 315 to 323 falling within Chapter II of that Part demonstrates beyond any doubt that Public Service Commissions are established in connection with the affairs of the State; be it the "Union" or any of the "States". The duties and responsibilities of the Public Service Commission and the constitutional obligation for consultation with it intricately emphasise its presence in the field of what is called "matters in connection with the affairs of the State". Needless to say, having regard to the sweep of Article 318, persons

employed in terms of the "conditions of service of members and staff of the Public Service Commission" would fall under Articles 309 and 311 in Chapter 1 of Part XIV of the Constitution, containing Articles 308 to 314, dealing with "Services". Chapter II deals with Public Service Commissions.

3. All service matters concerning a person appointed to any civil service of the State or in any civil post under the State and pertaining to the service of such person in connection with the affairs of the State fall within the jurisdiction, powers and authority of the State Administrative Tribunal in terms of Section 15(1)(b) of the Administrative Tribunals Act, 1985. In the light of what is stated in the preceding paragraph, this takes within its sweep, the service of the staff of the Commission.

4. Therefore, the law is that all matters relating to service in connection with the affairs of the PSC can be pursued only before the SAT. which has the exclusive jurisdiction, power and authority to deal with all service matters concerning a person, who is a member of the staff of the Commission, in terms of Section 15 of the Administrative Tribunals Act. The reference is answered in the affirmative.

Hence, it is ordered that this matter will stand transferred to the Kerala Administrative Tribunal for consideration.