

(2014) 04 KL CK 0066
In the High Court Of Kerala
Case No : WP (C). No. 9260 of 2011 (F)

C.K. Sathian

APPELLANT

Vs

Kerala Forest Development Corporation Ltd.

RESPONDENT

Date of Decision : 09-04-2014

Acts Referred:

Citation : (2014) 04 KL CK 0066

Hon'ble Judges : A. Muhamed Mustaque, J

Bench : Single Bench

Advocate : M. Balagovindan, Advocate for the Appellant; V.G. Arun, T.R. Harikumar, T.G. Rajendran, Advs., and P.M. Saneer, Government Pleader, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

A. Muhamed Mustaque, J.—This writ petition is filed by certain employees, who are working as drivers in the service of the Kerala Forest Development Corporation Ltd., hereinafter referred to as, the "Corporation". The petitioners claim that they are recruited by the Kerala Public Service Commission and they are working as drivers on regular basis. In this writ petition, the petitioners challenge regularisation of the respondents 3 and 4 as per the proceedings of the Government dated 01/03/2011. They also challenge Ext.P3 draft seniority list in which in which the respondents 3 and 4 are shown as seniors to the petitioners.

2. Heard the learned counsel for the petitioners, the learned Government Pleader and the learned Standing Counsel for the Corporation.

3. Admittedly, the respondents 3 and 4 are regularised by the Government as per Ext.P1 proceedings. While regularising the service of aforementioned respondents, the Government had taken into account the decision of the Hon'ble Supreme Court in C.A.No.3595-3612/1999, dated 10/04/2006 in Secretary, State of Karnataka and Others Vs. Umadevi and Others, . It is also noted that those employees were working on daily wage basis during the period from 1977-1985 in the

Corporation. The third respondent entered into service on 21.11.1983 and the fourth respondent entered into service on 01.07.1980. Considering the length of service put in by the above employees, I am of the view that the Government is justified in regularising the service of the respondents 3 and 4. Further, the policy decision of the Government to regularise the temporary employees, based on valid reasons, cannot be questioned by another employee. Petitioners have no right to question the wisdom of the Government in regularising the service of the temporary employees.

4. With regard to the question of seniority, it is submitted that the same is not yet finalised. The petitioners rely on the judgement of this Court in *Purushothaman vs. State of Kerala and others* [1976 (2) ILR 548] and submits that the regularisation of persons appointed temporarily should not affect the seniority of others. I am of the view that it is a matter for consideration by the Corporation while finalising the seniority as per Ext.P3. Without expressing anything on merits, this writ petition is disposed in following manner:

The challenge made by the petitioners against the regularisation is hereby dismissed. The petitioners may raise objections regarding seniority assigned to them in Ext.P3 within a period of one month from the date of receipt of copy of this judgment. The first respondent shall consider the objections of the petitioners regarding seniority while finalising the draft seniority list.