

(2014) 02 KL CK 0041
In the High Court Of Kerala
Case No : WP (C). No. 10228 of 2006 (P)

Jayamol

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 17-02-2014

Acts Referred:

Citation : (2014) 02 KL CK 0041

Hon'ble Judges : A. Muhamed Mustaque, J

Bench : Single Bench

Advocate : K. Jaju Babu, Smt. M.U. Vijayalakshmi and Sri. Brijesh Mohan, Advocate for the Appellant; P.V. Elias Government Pleader for R1, Sri. K.P. Dandapani, Senior Advocate, Sri. C.S. Ajith Prakash, SC and Sri. Elvin Peter P.J., Advocate for R2, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Muhamed Mustaque Ayumantakath, J.—Petitioners claim that they had worked on daily wages during 2000-2001 in various shops under the second respondent-Kerala State Beverages Corporation (for short, the "Corporation"). According to them, Ext. P1 order is issued by the Government of Kerala for the purpose of enrollment of daily wage employees in the Corporation, under the Abkari Workers Welfare Fund Scheme (for short, the "Scheme").

2. The learned counsel for the petitioners submits that the definition of the "continuous service" accorded in Ext. P1 would take away the rights accrued to the persons like the petitioners from becoming a member of the Scheme. Accordingly they challenge Ext. P1 issued by the 1st respondent, Government. Ext. P2 is consequential order issued by the 2nd respondent Corporation.

3. This Court cannot interfere with the policy decision of the Government, as to the prescriptions of the qualification to different eligible members of such Scheme. However, the learned counsel for the petitioners submit that the petitioners are qualified to become members of the Scheme as mentioned above.

If any of the petitioners are qualified to become a member of the Scheme, it is open for them to make such an application before the second respondent and the second respondent, on receipt of such application from the petitioners, shall consider and pass orders on it in accordance with Ext. P1 order. The petitioners, who intent to enroll in such Scheme, shall submit application within a period of one month from today. On receipt of such application, the second respondent shall dispose of the same within a period of two months thereafter.

In the result, the writ petition is disposed of as above.