

(2010) 12 KL CK 0032

In the High Court Of Kerala

Case No : Writ Petition (C) No. 34580 of 2010 (V)

K.P. Sunilkumar

APPELLANT

Vs

The District Animal Husbandry Officer

RESPONDENT

Date of Decision : 02-12-2010

Acts Referred:

Citation : (2010) 12 KL CK 0032

Hon'ble Judges : S. Siri Jagan, J

Bench : Single Bench

Advocate : A. Jayasankar, for the Appellant; No Appearance, for the Respondent

Judgement

S. Siri Jagan, J.—The Petitioner is a casual part time sweeper in the service of the 1st Respondent. The Petitioner claims that the Petitioner is entitled to be regularised in service in accordance with Ext.P1 Government order. The Petitioner's claim in this regard has been rejected by Ext.P3 on the ground that Respondents 2 and 3 had also worked as part time sweepers in the same unit. The Petitioner seeks the following reliefs;

- i) a writ of mandamus or any other appropriate writ, direction or order commanding the first Respondent to extend the benefits of Exhibit P1 Government order to the Petitioner.
- ii) Declare that the Petitioner is entitled to be regularised in the services of the Respondent on the strength of Exhibit P1.
- iii) in the alternative issue a writ of mandamus to the 1st Respondent to consider Exhibit P8 application for benefits of Exhibit P1 government order in accordance with law.

2. I have heard the learned Government Pleader also.

3. The only ground mentioned in Ext.P3 to deny the Petitioner her claim is that two other persons are also eligible to be considered. That shall not stand in the way of the authority concerned from considering the case of all the three and

deciding as to who is the most eligible person to be regularised in service in accordance with Ext.P1 Government order. The learned Government Pleader points out that the 1st Respondent cannot decide the issue insofar as the authority to do the same is Government.

4. In the above circumstances, this writ petition is disposed of with the following directions:

The 1st Respondent shall forward Ext.P8 along with his recommendation on the subject to the Secretary of the Animal Husbandry Department of the Government of Kerala, within two weeks from the date of receipt of a certified copy of this judgment. Within three months from the date of receipt of Ext.P8 from the 1st Respondent with his recommendation, the Secretary, Animal Husbandry Department of the Government of Kerala shall consider and pass orders as to who among the Petitioner and Respondents 2 and 3, is eligible to be regularised in service as part time sweeper in the office under the 1st Respondent, after affording an opportunity of being heard to all the three. The Petitioner shall produce a copy of the writ petition along with a certified copy of this judgment before the Secretary, Animal Husbandry Department of the Government of Kerala, who shall suo motu stand impleaded in this writ petition, for the above purpose, for compliance.