

(2021) 01 KL CK 0125
In the High Court Of Kerala
Case No : Writ Petition (C) No. 112 Of 2021

Omana K.R

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 05-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0125

Hon'ble Judges : Anu Sivaraman, J

Bench : Single Bench

Advocate : P.M. Joshi, Siji K. Paul, Bijoy Chandran

Judgement

1. This writ petition is filed seeking the following reliefs:-

"(i) Issue a writ of certiorari or appropriate writ or declaration quashing Exhibit-P10 as the same is illegal and against the Exhibit P11 government order.

(ii) Issue a writ of mandamus or appropriate writ or direction to the first and second respondents to consider P7 and P8 representations respectively and pass orders after hearing the petitioner and other similarly placed employees.

(ii) Issue a writ of mandamus or appropriate writ or direction to the respondents to retain the petitioner till a final decision is taken on Exhibit P7 and P8 representations.

(iv) Set aside Government letter K3/118/2017 H&FW Department dated 28.11.2017 mentioned in Exhibit P2, being issued against the principles of natural justice."

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. It is submitted by the learned counsel for the petitioner that the petitioner is a contingent employee working in the Medical College Hospital, Kottayam under the Hospital Development Committee and that she has been required to go out

of service on attaining the age of 60 years. The learned counsel for the petitioner submits that the age of retirement of contingent employee under the Government service is 70 years and Ext.P11 would show that contingent employees employed on a contract basis under the projects funded by the RSBY can continue in service until 65 years of age. The petitioner contends that she has approached the respondents submitting representation seeking continuance in service. However, she is not permitted to continue in service on the basis that she has attained the age of 60 years.

4. Having heard the learned Government Pleader also, I am of the opinion that the issue with regard to retirement age of contingent employees working under the Hospital Development Committee is a matter, which has to be considered by the Government in accordance with law.

5. There will, accordingly, be a direction to the 1st respondent to consider the representation preferred by the petitioner and to take an appropriate decision with regard to the same, taking note of the contentions raised by the petitioner as well. The petitioner shall produce a copy of Ext.P8 representation along with the copy of this judgment and the writ petition before the 1st respondent for compliance. The 1st respondent shall hear the petitioner through any appropriate means including video conferencing and pass orders within a period of two months from the date of receipt of a copy of this judgment. Till such time, the petitioner shall be permitted to continue in service as a contingent employee.

This writ petition is ordered accordingly.