

(2000) 06 KL CK 0001
In the High Court Of Kerala
Case No : O.P. No. 12639 of 2000

Saraswathi and Others

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 22-06-2000

Acts Referred:

Citation : (2000) 1 KLJ 1015

Hon'ble Judges : K.A. Abdul Gafoor, J

Bench : Single Bench

Advocate : O.V. Maniprasad, for the Appellant; O.V. Radhakrishnan and T.P. Sajjan, Govt. Pleader, for the Respondent

Final Decision : Dismissed

Judgement

1. Admittedly, petitioners are appointees under Rule 9(1) (i) of the general rules of the K.S. & S.S. Rules. Petitioners seek a direction not to terminate the service of the petitioners from the post of Junior Public Health Nurses which the petitioners hold on a temporary basis. Petitioners shall be allowed to continue. Rule 9(a)(i) provides that a temporary appointee can continue only for one year at the best in the Health Services Department. The ninth proviso to the said rule further provides that such appointee cannot be appointed for a further term under the same appointing authority or in the same department unless there is dearth of qualified hands. The petitioners have no case that there is dearth of qualified hands to hold the post. Thus, there is prohibition for continuing a temporary hand beyond the term of appointment. Clause 5 (1) of the Kerala Public Service Commission (Consultation) Regulation makes it clear that it shall not be necessary to consult the Public Service Commission for temporary appointments not exceeding 180 days. Thus consultation is mandatory if it exceeds 180 days. Sub-clause (2) further provides that concurrence from Public Service Commission shall be obtained for continuance beyond 180 days. All these are statutory constraints that no temporary hand shall be allowed to continue for more than one term. Petitioners cannot therefore get any relief.

O.P. therefore fails. Dismissed. No costs.