

(2015) 12 KL CK 0004
In the High Court Of Kerala
Case No : WP(C) No. 22967 of 2015

The Travancore Devaswom Service Pensioners Association	APPELLANT
Vs	
The Secretary Travancore Devaswom Board	RESPONDENT

Date of Decision : 10-12-2015

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 1 KHC 122

Hon'ble Judges : Mr. Thottathil B. Radhakrishnan and Mrs. Anu Sivaraman, JJ.

Bench : Division Bench

Advocate : Sri. A.N. Rajan Babu, SC, for the Respondent Nos. 1 and 3; Sri. K.B. Pradeep, SC, for the Respondent No. 2; Sri. Vijayaraghavan, State Attorney and R. Padmaraj, Government Pleader, for the Respondent No. 4; Sri. B. Prasanth, Advocate, for the Petitioner

Final Decision : Dismissed

Judgement

Mr. Thottathil B. Radhakrishnan, J. - This writ petition is filed challenging Ext.P5 decision of the Travancore Devaswom Board. In fact Ext.P5 is the proceedings of the Secretary, which contains the decision by order of the TDB.

2. Hearing the learned counsel for the petitioner, it is seen that the contention relates to the availability of vacancies on making a works study and consequential re-deployment which may follow Ext.P2. But as of now, the field is governed by Ext.P3 judgment of the learned single Judge which contains directions to the TDB to appoint all the candidates before expiry of the list in the substantive vacancies, that have arisen during the currency of the list. Reverting to Ext.P5, it can be seen that after Ext.P3 judgment was issued on 09.06.2015 the Devaswom Commissioner had informed the Board through communication dated 21.07.2015 that no part-time post of watcher was existing as it has been recommended to abolish 186 numbers of excess posts in the cadre of watcher. This means that 94 number of vacancies stated to have been available earlier in the cadre of watcher cannot be filled up 107 vacancies in the cadre of part time

kazhakam and 143 vacancies in the cadre of part time thali were existing during the currency of the list which is for a period of three years from 09.07.2012. Under such circumstances, 107 vacancies of part time kazhakam and 143 vacancies of part time thali are to be appointed in terms of Ext.P5. That requirement cannot be further pushed on, on a plea that following Ext.P2 there has to be a works study and consequential re-deployment which may generate further vacancies. Date of occurrence of a particular vacancy and the eligibility to be promoted or appointed as against such a vacancy does not create any particular vested right justiciable as the right accrued in favour of an individual in terms of any statutory provision governing the TDB. Hence the challenge levied as against Ext.P5 does not live.

In the result, this writ petition is dismissed.