

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

&

THE HONOURABLE MR. JUSTICE C. JAYACHANDRAN

FRIDAY, THE 28TH DAY OF APRIL 2023 / 8TH VAISAKHA, 1945

OP(KAT) NO. 190 OF 2023

O.A (EKM) 394/2023 OF KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM

PETITIONER/ APPLICANT IN THE O.A. :

SHAKKEENA M.,
AGED 55 YEARS,
W/O. BASHEER, IYYIL HOUSE,
PUTHIYANGADI P.O.,
KOZHIKODE - 673021
PRESENTLY WORKING AS PART TIME SWEEPER,
GOVERNMENT MEN'S HOSTEL,
NGO QUARTERS, VELLIMADUKUNNU,
KOZHIKODE, PIN - 673 012

BY ADVS.
TERRY V. JAMES
ABRAHAM KOLLINAL

RESPONDENTS/ RESPONDENTS IN THE O.A. :

- 1 THE STATE OF KERALA,
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, SECRETARIATE,
THIRUVANANTHAPURAM, PIN - 695 001
- 2 THE CHIEF ENGINEER,
PUBLIC WORKS DEPARTMENT,
ADMINISTRATIVE DIVISION,
PUBLIC OFFICE COMPLEX, MUSEUM P.O.,
THIRUVANANTHAPURAM, PIN - 695 033

3 THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT,
BUILDINGS DIVISION, KOZHIKODE,
PIN - 673 001

BY SRI.S.GOPINATHAN, GOVERNMENT PLEADER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 28.04.2023, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

BECHU KURIAN THOMAS

&

C.JAYACHANDRAN, JJ.

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O.P (K.A.T) No.190 of 2023

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Dated this the 28th day of April, 2023

JUDGMENT

Bechu Kurian Thomas, J.

Petitioner had approached the Kerala Administrative Tribunal in O.A.No.394/2023 seeking a direction to pass orders on the representation submitted by her dated 21.11.2022. By the impugned order dated 03.04.2023, the Tribunal disposed of the Original Application directing the first respondent to consider and dispose of the representation produced as Annexure-A6 before the Tribunal, after affording an opportunity of hearing to the applicant within a period of two months from the date of receipt of a copy of the order.

2. Sri.Terry V.James, the learned counsel for the petitioner submitted that on 22.05.2023, petitioner superannuates from service and therefore if the decision is taken subsequent to the retirement, the very purpose of representation itself would be defeated.

3. We have heard the learned Government Pleader also.

4. Having regard to the limited relief now sought for, we are satisfied that since the Tribunal has already decided to direct disposal of the representation within two months and since the petitioner retires from service on 22.05.2023, the decision, so directed to be taken, ought to be taken prior to her superannuation, as otherwise the very purpose of the application as well as the representation would be defeated.

5. In the above circumstances, in modification of the order of the Tribunal dated 03.04.2023 in O.A.(EKM) No.394/2023, we direct that the representation shall be considered and disposed of after granting an opportunity of hearing to the petitioner before 18.05.2023 positively. It is clarified that under no circumstances shall the decision be delayed beyond 18.05.2023.

The original petition is disposed of as above.

Sd/-

BECHU KURIAN THOMAS, JUDGE

Sd/-

C.JAYACHANDRAN, JUDGE

RKM

APPENDIX OF OP(KAT) 190/2023

PETITIONER'S ANNEXURES :

Annexure A1	TRUE COPY OF G.O.(P) NO. 501/2005/FIN. DATED 25.11.2005 ISSUED BY THE 1ST RESPONDENT.
Annexure A2	TRUE COPY OF G.O.(P) NO. 61/2010/FIN. DATED 9.2.2010 ISSUED BY THE 1ST RESPONDENT.
Annexure A3	TRUE COPY OF ORDER DATED 15.7.2015 IN O.A. NO. 484/2012 OF THE HON'BLE KAT, THIRUVANANTHAPURAM BENCH.
Annexure A4	TRUE COPY OF LETTER NO. E3/SLR/CLR/ 2020 DATED 4.8.2020 WITH LIST OF CLR/HR WORKERS PREPARED BY THE 3RD RESPONDENT
Annexure A5	TRUE COPY OF LETTER NO. EE2/5006/2020 DATED 9.2.2021 OF THE 2ND RESPONDENT TO THE 1ST RESPONDENT
Annexure A6	TRUE COPY OF REPRESENTATION DATED 21.11.2022 SENT BY THE APPLICANT TO THE 1ST RESPONDENT
Annexure A7	TRUE COPY OF LETTER NO. EEBL- DVOKKD/43/2023-E1-PWD DATED 23.1.2023 OF THE 3RD RESPONDENT TO THE 2ND RESPONDENT.
Annexure A8	TRUE COPY OF LETTER NO. CEPWD/ 2045/2023- EE2(MIN)-AD DATED 13.2.2023 OF THE 2ND RESPONDENT TO THE APPLICANT.
Exhibit P1	THE TRUE COPY OF THE OA[EKM]-394/2023 BEFORE THE HON'BLE KERALA ADMINISTRATIVE TRIBUNAL AT THIRUVANANTHAPURAM, (ADDITIONAL BENCH ERNAKULAM) ,
Exhibit P2	TRUE COPY OF ORDER DATED 3-4-2023 IN OA[EKM]- 394/2023