



OP(KAT)No.534 of 2024

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2024:KER:93134

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&amp;

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

TUESDAY, THE 10<sup>TH</sup> DAY OF DECEMBER 2024 / 19TH AGRAHAYANA, 1946OP(KAT) NO. 534 OF 2024

AGAINST THE ORDER DATED 02.02.2023 IN OA (EKM) NO.185 OF 2023

OF KERALA ADMINISTRATIVE TRIBUNAL AT THIRUVANANTHAPURAM

(ADDITIONAL BENCH, ERNAKULAM)

PETITIONER/APPLICANT NO.3:

JOMY STEPHEN, S/O.V.J.STEPHEN,  
AGED 52 YEARS  
ASSISTANT FOREMAN, PRINTING SECTION,  
GOVERNMENT PRESS, SHORANUR,  
PALAKKAD -679122, RESIDING AT VELUPPARAMBIL (H) ,  
KARIMKUNNAM P.O, THODUPUZHA,  
IDUKKI, PIN - 685586

BY ADVS.  
KALEESWARAM RAJ  
THULASI K. RAJ  
APARNA NARAYAN MENON  
CHINNU MARIA ANTONY

RESPONDENTS/RESPONDENTS & APPLICANTS 1,2 & 4 TO 6:

- 1 STATE OF KERALA, REPRESENTED  
BY THE CHIEF SECRETARY, SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- 2 SECRETARY TO GOVERNMENT,  
HIGHER EDUCATION (PRINTING AND STATIONARY (H))



DEPARTMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001

- 3 THE DIRECTOR OF PRINTING,  
DIRECTORATE OF PRINTING,  
GOVERNMENT CENTRAL PRESS,  
M G ROAD, STATUE,  
THIRUVANANTHAPURAM, PIN - 695001
- 4 THE SUPERINTENDENT OF GOVERNMENT PRESSES,  
GOVERNMENT CENTRAL PRESS,  
M G ROAD, STATUE,  
THIRUVANANTHAPURAM, PIN - 695001
- 5 THE ADMINISTRATIVE OFFICER,  
GOVERNMENT CENTRAL PRESS, M G ROAD,  
STATUE, THIRUVANANTHAPURAM, PIN - 695001
- 6 THE SENIOR SUPERINTENDENT,  
DIRECTORATE OF PRINTING, GOVERNMENT CENTRAL PRESS,  
M G ROAD, STATUE,  
THIRUVANANTHAPURAM, PIN - 695001
- 7 MOHAN KUMAR P.S,AGED 51 YEARS  
S/O.SANKARA NARAYANAN NAIR N, ASSISTANT  
FOREMAN,PRINTING SECTION,  
GOVERNMENT PRESS,KAKKANAD,  
ERNAKULAM-682030, RESIDING AT MANIKANDA NIVAS,  
KANGAD P.O., PALAKKAD, PIN - 678631
- 8 P.A.BIJU,AGED 49 YEARS  
S/O.ACHALAN, ASSISTANT FOREMAN,PRINTING SECTION,  
GOVERNMENT PRESS,KAKKANAD, ERNAKULAM-682030,  
RESIDING AT PUZHAKEREDATH HOUSE,  
CHATHAMVELI, SRA 121, KAKKANAD,  
ERNAKULAM, PIN - 682030
- 9 P.KABEER, AGED 52 YEARS  
S/O.P.ABDULLAKUTTY, ASSISTANT FOREMAN,PRINTING SECTION,  
GOVERNMENT PRESS,SHORANUR,  
PALAKKAD -679122, RESIDING AT SAFA (H) ,  
NADUVATHUR P.O. ,  
QUILANDY VIA KOZHIKODE, PIN - 673620
- 0 K.M.PAREETH, AGED 53 YEARS  
S/O.K.A.MUSTHAFA, ASSISTANT FOREMAN,PRINTING SECTION,  
GOVERNMENT PRESS,



KAKKANAD, ERNAKULAM-682030,  
RESIDING AT KARIVELIPARAMBIL (H),METHANAM,  
PANAYIKULAM P.O., ERNAKULAM, PIN - 683511

- 11 JACOB KUTTY V.J., AGED 53 YEARS  
S/O.T.C.JOSEPH, ASSISTANT FOREMAN,PRINTING SECTION,  
GOVERNMENT PRESS KAKKANAD,  
ERNAKULAM-682030,  
RESIDING AT VELLATTIL HOUSE,  
MARIYATHURUTH P.O.,  
KOTTAYAM, PIN - 686017

S,T.NISHA BOSE, SR.GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY  
HEARD ON 10.12.2024, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**A.MUHAMED MUSTAQUE & P.KRISHNA KUMAR, JJ**  
-----OP(KAT)No.534 of 2024  
-----Dated this the 10<sup>th</sup> day of December, 2024**JUDGMENT****A.Muhamed Mustaque.J**

The petitioner was one of the applicants before the Tribunal. The petitioner's challenge concerns the retrospective effect of Annexure A7 Kerala Government Presses Subordinate Service Special (Amendment) Rules, 2021. The petitioner argues that the petitioner was promoted to a higher post in 2019, and the retrospective effect of the Rules will have a drastic consequence. The petitioner moved an interim application. However, the Tribunal granted only consideration of the representation. This is how the petitioner has approached this Court.

2. It is now submitted at the Bar that the Government has considered the representation and rejected. It is further submitted that the petitioner has challenged it separately by filing OA(Ekm)No.884 of 2024. In such a situation, the petitioner's remedy is to move that



Tribunal to obtain an order of impending reversion. Consequent upon the rejection of the representation by the Government to move such an application before the Tribunal, we order that the petitioner shall not be reverted for a period of two weeks. We make it clear that if the Tribunal grants no interim order, it is open for the Government to implement its order, in accordance with law.

3. The learned counsel who was appearing before the Tribunal for the seventh respondent, Adv. Rekha Vasudevan, pointed out that the seventh respondent is not impleaded in the Original Petition. It is the case of the petitioner that the seventh respondent got himself impleaded subsequently. It is submitted by Adv. Rekha Vasudevan that, the seventh respondent had filed OA No.1345 of 2019 and the petitioner was one of the respondents. It is further submitted that the Government decided to implement those Rules based on the direction in the above Original Application.

The Original petition is disposed of as above.

**Sd/-**  
**A.MUHAMED MUSTAQUE, JUDGE**

**Sd/-**  
**P.KRISHNA KUMAR, JUDGE**

dlk/10.12

APPENDIX OF OP(KAT) 534/2024**PETITIONERS ANNEXURES**

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| <b>ANNEXURE A1</b>  | <b>TRUE COPY OF RELEVANT PAGES OF DRAFT RULES.</b>  |
| <b>ANNEXURE A2</b>  | <b>TRUE COPY OF JUDGMENT 06.01.2009 IN OP NO. 14124/2000 OF THE HON'BLE HIGH COURT OF KERALA.</b>   |
| <b>ANNEXURE A3</b>  | <b>TRUE COPY OF G.O (RT) NO. 1962/13/H.EDN. DATED 03.10.2013 ISSUED BY THE 2ND RESPONDENT.</b>  |
| <b>ANNEXURE A4</b>  | <b>TRUE COPY OF THE RELEVANT PAGES OF THE KERALA GOVERNMENT PRESSES SUBORDINATE SERVICE SPECIAL RULES, 2016 ISSUED AS PER G.O. (P) NO. 19/2016/HED DATED 30.09.2016 BY THE 2ND RESPONDENT.</b>    |
| <b>ANNEXURE A5</b>  | <b>TRUE COPY OF THE ORDER DATED 21.03.2019 IN O.A NO. 2321/2016 OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM.</b>  |
| <b>ANNEXURE A6</b>  | <b>TRUE COPY OF G.O(RT) NO. 327/2020/DDE DATED 26.02.2020 ISSUED BY THE 2ND RESPONDENT.</b>   |
| <b>ANNEXURE A7</b>  | <b>TRUE COPY OF RELEVANT PAGES OF THE AMENDED KERALA GOVERNMENT PRESSES SUBORDINATE SERVICE SPECIAL RULES, 2016 ISSUED AS PER G.O. (P) NO. 6/2021/HED DATED 16.02.2021 BY THE 2ND RESPONDENT.</b> |
| <b>ANNEXURE A8</b>  | <b>TRUE COPY OF DRAFT FINAL SENIORITY LIST IN PRINTING DEPARTMENT DATED 30.11.2021.</b>   |
| <b>ANNEXURE A9</b>  | <b>TRUE COPY OF ORDER DATED 03.11.2022 IN OA 365/2022 OF THE KERALA ADMINISTRATIVE TRIBUNAL.</b>  |
| <b>ANNEXURE A10</b> | <b>TRUE COPY OF GRADATION LIST OF OFFSET MACHINE OPERATOR GR. I AND GR.II AS ON 01.11.2022 ALONG GO NO. 1181/2022 DATED 15.11.2022.</b>   |
| <b>ANNEXURE A11</b> | <b>TRUE COPY OF G.O NO. 5/2022/SPD DATED 14.12.2022 ISSUED BY 2ND RESPONDENT.</b>   |



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| ANNEXURE A12 | TRUE COPY OF GRADATION LIST OF PRINTER SENIOR GRADE W.E.F., 06.01.2009 IS ISSUED ALONG WITH ORDER NO. 1181/2022 DATED 10.01.2023.                     |
| ANNEXURE A13 | TRUE COPY OF OBJECTION DATED 17.01.2023 SENT BY THE 6TH APPLICANT TO THE 3RD RESPONDENT.  |
| ANNEXURE A14 | TRUE COPY OF THE COPY OF THE REPRESENTATION DATED 28.01.2023 SUBMITTED BY THE 1ST APPLICANT BEFORE THE SECRETARY, PRINTING/STORE PURCHASE DEPARTMENT. |
| ANNEXURE A15 | TRUE COPY OF THE COPY OF THE REPRESENTATION DATED 28.01.2023 SUBMITTED BY THE 2ND APPLICANT BEFORE THE SECRETARY, PRINTING/STORE PURCHASE DEPARTMENT. |
| ANNEXURE A16 | TRUE COPY OF THE COPY OF THE REPRESENTATION DATED 28.01.2023 SUBMITTED BY THE 5TH APPLICANT BEFORE THE SECRETARY, PRINTING/STORE PURCHASE DEPARTMENT. |
| ANNEXURE A17 | TRUE COPY OF THE COPY OF THE REPRESENTATION DATED 28.01.2023 SUBMITTED BY THE 6TH APPLICANT BEFORE THE SECRETARY, PRINTING/STORE PURCHASE DEPARTMENT. |
| ANNEXURE A18 | TRUE COPY OF THE COPY OF THE REPRESENTATION DATED 28.01.2023 SUBMITTED BY THE 3RD APPLICANT BEFORE THE SECRETARY, PRINTING/STORE PURCHASE DEPARTMENT. |
| ANNEXURE A19 | TRUE COPY OF THE COPY OF THE REPRESENTATION DATED 28.01.2023 SUBMITTED BY THE 4TH APPLICANT BEFORE THE SECRETARY, PRINTING/STORE PURCHASE DEPARTMENT. |
| EXHIBIT P1   | TRUE COPY OF THE MEMORANDUM IN O.A(EKM) NO.185/2023 TOGETHER WITH ANNEXURES.  |
| EXHIBIT P2   | TRUE COPY OF THE REPLY AFFIDAVIT FILED BY THE 3RD RESPONDENT IN O.A(EKM)NO.185/2023.  |
| EXHIBIT P3   | TRUE COPY OF THE ORDER DATED 02.02.2023 IN O.A(EKM)NO.185/2023 PASSED BY THE KERALA   |



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**ADMINISTRATIVE TRIBUNAL, ADDL.BENCH  
ERNAKULAM.**

**EXHIBIT P4**

**TRUE COPY OF MA (EKM) NO.238/2023 IN OA (EKM)  
NO.185/2023 ALONG WITH ANNEXURES.**

**EXHIBIT P5**

**TRUE COPY OF MA (EKM) NO.378/2023 IN OA (EKM)  
NO.185/2023 ALONG WITH ANNEXURES.**