

ITEM NO.10

Court 4 (VC)

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No.11350/2020

(Arising out of impugned final judgment and order dated 20-11-2019 in WA No. 2375/2018 passed by the High Court of Kerala at Ernakulam)

THE GURUVAYOOR DEVASWOM MANAGING COMMITTEE

Petitioner(s)

VERSUS

N. RAJU & ORS.

Respondent(s)

(With appln.(s) for interim relief, c/delay in filing SLP and exemption from filing O.T.)

Date : 18-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. P. V. Dinesh, AOR
Mr. T.P. Sindhu, Adv.
Mr. Ashwini Kumar Singh, Adv.
Mr. Bineesh K., Adv.

For Respondent(s) Mr. Roy Abhraham, Adv.
Mr. Himinder Lal, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1 Delay condoned.
- 2 The first respondent, who was originally appointed to the post of Helper in the Guruvayoor Devaswom Board was reverted to the post of Attender. The

first respondent does not have the qualifications prescribed under the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations 2010. The Board had resolved, following the institution of certain writ proceedings, to amend its regulations to bring them in conformity with the CEA Regulations. However, the Board stated before the High Court that the first respondent would be accommodated on another post. The Division Bench of the High Court has directed that his pay should be protected since he was on the verge of retirement.

- 3 The grievance of the petitioner is that the direction for the protection of pay would cause imbalance in the pay structure of the post on which the first respondent was subsequently appointed. We have been informed by Mr Roy Abhraham, learned counsel appearing on behalf of the first respondent that the first respondent has since retired on 31 May 2020.
- 4 Having regard to the fact that the first respondent has retired, which is not in dispute, we are not inclined to entertain the Special Leave Petition insofar as the grant of relief of pay protection to him is concerned. However, we do so in the peculiar facts and circumstances of the case with the clarification that the impugned judgment of the High Court shall not be cited as a precedent in any other case. The benefits, if any, due and payable shall be paid over to the first respondent within a period of one month from the date of receipt of a copy of the present order.
- 5 The Special Leave Petition is accordingly disposed of.
- 6 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER