

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). 5382-5389 OF 2013

SAIRA K.S. & ORS. ETC.ETC.

Appellant(s)

VERSUS

THE STATE OF KERALA & ORS.ETC.ETC.

Respondent(s)

WITH

CIVIL APPEAL No(s). 5390-5394 OF 2013

CIVIL APPEAL No(s). 5395-5403 OF 2013

CIVIL APPEAL No(s). 5404-5421 OF 2013

CIVIL APPEAL No(s). 5425-5426 OF 2013

CIVIL APPEAL No(s). 5422-5424 OF 2013

O R D E R

In C.A. Nos. 5390-5394 of 2013

Learned counsel for the appellants seeks permission of the Court to withdraw the appeals. Permission granted. The appeals are dismissed as withdrawn.

In C.A. Nos.5382-5389, 5395-5403, 5404-5421, 5425-5426 and 5422-5424 of 2013

1. Applications for permission to implead the applicant as an appellant in C.A. Nos. 5382-5389 of 2013 are

rejected.

Vide Judgment dated 31st March, 2009 passed by the Division Bench of the High Court of Kerala at Ernakulam in W.P. No. 25865 of 2008 and connected matters, the challenge made to the Special Rules for the Kerala Local Self Government Engineering Services, 2007 and Special Rules for the Kerala Local Self Government Engineering Subordinate Services, 2007 (in short 'the Rules') which were issued on 27.11.2007 and (came into force w.e.f 01.01.2008) was rejected. By virtue of these Rules, the excess engineering staff working in the Public Works Department and Water Resources Department were being transferred to the newly formed Engineering Department. The appellants herein had brought the challenge to the Rules, aggrieved by their absorption in the Local Self Government Engineering Department.

We may note that while dismissing the Writ Petitions, the Division Bench had given an opportunity to the appellants herein to approach the State Government by making representations regarding the grievance raised in the Writ Petitions.

2. These appeals have been filed questioning the Judgment of the Division Bench of the High Court dated 31st March, 2009.

While issuing notice in these appeals on 14.05.2009, the following interim order was passed:

"Applications for deletion of names of proforma respondents in SLP (C) Nos.11753-11760/2009 and 12197- 12205/2009 are allowed at the risk of the petitioners. Amended memo of parties shall be filed within three days.

Issue notice returnable after four weeks.

Mr. P.V. Dinesh, Advocate accepts notice and seeks time to file counter affidavit within three weeks.

Having heard learned counsel for the parties, we direct that till further orders, status quo in respect of the present postings of the petitioners shall be maintained. However, if so advised, it will be open to the respondents to carry out the exercise for fresh postings in terms of the Special Rules stated to have been framed under the Kerala Local Self Government Engineering Services Act, 2007, but the final proposal shall not be given effect to."

However, the said interim order dated 14.05.2009 was modified by the interim order dated 28.02.2017 in Civil Appeal Nos. 5382-5389 of 2013, which is extracted as under:

"These are the applications for vacation of stay.

On 14.5.2009, this Court had passed an order to maintain status quo with regard to the creation of posts in the Local Self Government Engineering Department and allocating certain Engineers now working in the Public Works Department (P.W.D.) to those posts created in the

Local Self Government Engineering Department.

On account of status quo order operating ever since 2009, the transfer and posting of the various officers in Public Works Department (P.W.D.) has been held up.

On a query, Mr. C.S. Rajan, learned senior counsel appearing for the appellants submits that he is appearing only for the following nineteen (19) officers and who, according to the learned senior counsel for the appellants, had already been included in the list for D.P.C.:-

S No	Name	S. No.	Name
1	Saira K.S.	11	Maya M.S.
2	Aji Jose	12	Bibinjith V.S.
3	Antony N.V.	13	Pressy P.D.
4	Sachin P.	14	Shilpa K.M.
5	Roy P. Varghese	15	Reshma A.
6	Mathew Varghese K.	16	Shifi Madhavan
7	Lakshmi P.V.	17	Ashok Kumar M.A.
8	Femina P.	18	Asha R.
9	Suma R. Nair	19	Sona C.
10	Ambika V.		

Since the final hearing of the civil appeals is likely to take some time and in view of the submission made by Mr. Jaideep Gupta, learned senior counsel appearing for the respondent/State about the difficulties faced by the Department, for the time being, we are inclined to vacate the order of status quo passed on 14.05.2009, clarifying that in the case of those twenty officers, whose names are mentioned above, they may not be disturbed for the time being and for the rest it is open to the State

to pass appropriate orders regarding their allocation to the Local Self Government Engineering Department.

These I.As are disposed of, as above.

Post the civil appeals for hearing in the first week of April, 2017."

From the aforementioned interim orders dated 14.5.2009 and 28.02.2017, it is amply clear that the appellants herein continued to serve in the Public Works Department, and liberty was accorded to them to file representations before the State Government regarding their grievance.

It has been brought to the notice of this Court by Mr. P.N. Ravindran, learned Senior counsel appearing for the appellants that they are still continuing in the Public Works Department and some of them have even been promoted. It is also brought to the notice of this Court that four persons have retired and one officer has expired.

In view of the above and under the changed circumstances as mentioned supra, the Government has to re-consider the cases of each of the appellants. In this respect, the appellants have to approach the State Government by making appropriate representations individually. The representations shall be filed within eight weeks from today. Such representations if filed by the appellants shall be considered by the State Government

on merits and on a case-to-case basis.

We hope that the State Government will keep in mind that some of the appellants have been promoted and are working in the Public Works Department without stigma.

It is made clear that till the representations are considered, the status quo with regard to the service of the appellants shall be maintained.

The appeals are disposed of with the aforesaid observations.

.....J.
[MOHAN M. SHANTANAGODAR]

.....J.
[R. SUBHASH REDDY]

NEW DELHI;
FEBRUARY 27, 2020

ITEM NO.101

COURT NO.13

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5382-5389/2013

SAIRA K.S. & ORS. ETC.ETC.

Appellant(s)

VERSUS

THE STATE OF KERALA & ORS.ETC.ETC.

Respondent(s)

with I.A. Nos.9-16 (Applns. For impleadment)

WITH

C.A. No. 5390-5394/2013 (XI-A)

C.A. No. 5395-5403/2013 (XI-A)

C.A. No. 5404-5421/2013 (XI-A)

C.A. No. 5425-5426/2013 (XI-A)

C.A. No. 5422-5424/2013 (XI-A)

Date : 27-02-2020 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Appellant(s)

Mr. P.N. Ravindran, Sr. Adv.
Mr. T. G. Narayanan Nair, AOR
Mr. Amit Sharma, Adv.

Ms. Bina Madhavan, Adv.
Ms. Soujanya Ketharaj, Adv.
M/S. Lawyer S Knit & Co, AOR

Mr. A. Raghunath, AOR

For Respondent(s)

Ms. Bina Madhavan, AOR

Mr. P. V. Dinesh, AOR

Mr. Jaideep Gupta, Sr. Adv.
Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Mr. Vipin Nair, AOR
Mr. P.B. Suresh, Adv.
Mr. Karthik Jayashankar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

In C.A. Nos. 5390-5394 of 2013

Learned counsel for the appellants seeks permission of the Court to withdraw the appeals. Permission granted. The appeals are dismissed as withdrawn in terms of the signed order.

In C.A. Nos.5382-5389, 5395-5403, 5404-5421, 5425-5426 and 5422-5424 of 2013

Applications for permission to implead the applicant as an appellant in C.A. Nos. 5382-5389 of 2013 are rejected.

The Appeals are disposed of in terms of the signed order.

Pending applications, if any, are disposed of.

(NEELAM GULATI)
AR cum PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed Order is placed on the file)