

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR
AND
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 30TH JUNE 2008 / 9TH ASHADHA 1930

WP(C).No. 23530 of 2005(A)

PETITIONERS:

1. N. CHANDRANKUTTY,
SON OF LATE E.NARAYANA MARAR, KARANMA SAMBANDHI,
KERALADITYAPURAM TEMPLE, VAYALAR, CHERTHALA.
2. VIMAL CHANDRAN,
SON OF N. CHANDRANKUTTY, LAKSHMI NIVAS,
VAYALAR P.O., CHERTHALA.

BY ADV. SRI.N.NAGARESH

RESPONDENTS:

1. TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.
 2. SUB GROUP OFFICER,
TRAVANCORE DEVASWOM BOARD, KERALADITYAPURAM SUB
GROUP, VAIKOM GROUP, KERALADITYAPURAM.
 3. ASSISTANT COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, VAIKOM GROUP, VAIKOM.
 4. DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM.
 5. SANKARAMANI KURUP,
CHOOLAYIL VEEDU, KUDAVECHOOR P.O., VAIKOM.
- ADDL 6. B. PRADEEP KUMAR, SON OF SUSHEELA, VADAKKE MADOM,
CHERTHALA SOUTH VILLAGE, CHERTHALA.
- ADDL. R6 IS IMPEADED AS PER ORDER ON I.A. NO.17348 OF 2005 DATED 25.11.05
- BY ADV. SRI.R.RAJASEKHARAN PILLAI FOR R5,6
BY ADV. SMT.SABINA JAYAN /SRI. V.K. PRAVEEN FOR R5 & 6
BY ADV. SRI.D.SREEKUMAR, SC, TDB FOR R1TO4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30/06/2008, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE IDENTITY CARD DATED 30.10.2000 ISSUED BY THE FIRST RESPONDENT TO THE FIRST PETITIONER.

EXT.P2 TRUE COPY OF THE CERTIFICATE NO. A4-11486/2005/K.DIS. DATED 27.5.2005 OF THE TAHSILDAR, CHERTHALA IN PROOF OF 1ST PETITIONER'S KARANMA RIGHT.

EXT.P3 TRUE COPY OF THE APPLICATION DATED 27.5.2005 SUBMITTED BY THE FIRST PETITIONER TO THE THIRD RESPONDENT.

EXT.P4 TRUE COPY OF THE REPRESENTATION DATED 30.5.2005 SUBMITTED BY THE FIRST PETITIONER TO THE 2ND RESPONDENT.

EXT.P5 TRUE COPY OF THE INTERIM ORDER IN WPC 16335 OF 2005 DATED 31.5.2005

EXT.P6 TRUE COPY OF THE JUDGMENT DATED 10.6.2005 IN WPC 16335 OF 2005

EXT.P7 TRUE COPY OF THE LETTER NO. 1145 DATED 2.8.2005 OF THE THIRD RESPONDENT.

EXT.P8 TRUE COPY OF THE PETITION DATED 6.8.2005 SUBMITTED TO THE FOURTH RESPONDENT.

EXT.P9 TRUE COPY OF ORDER NO. ROC 6983/07/MISC.3 DATED 3.9.2005 OF THE FIRST RESPONDENT.

EXT.P10 TRUE COPY OF THE ORDER OF THE PRINCIPAL MUNSIF, CHERTHALA DATED 5.20.2004 IN I.A.NO. 2600 OF 2004 IN OS NO. 583 OF 2004 FILED BY THE 6TH RESPONDENT.

FIRST RESPONDENT'S EXHIBITS:

EXT.R1(a) TRUE COPY OF THE PATHIVU REGISTER IN RESPECT OF KERALADITHYAPURAM TEMPLE.

EXT.R1(b) TRUE COPY OF THE CERTIFICATE DATED 4.7.2005 VIDE NO. 1748/2005.

EXT.R1(c) TRUE COPY OF THE NOMINATION SUBMITTED BY THE KUDUMBA KARANVAR OF PUTHUSSERY FAMILY.

EXT.R1(d) TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER, VECHOOR DATED 4.7.2005

EXT.R1(e) TRUE COPY OF THE CERTIFICATE NO. C1-4473/2005/05/K.DIS DATED 15.7.2005 ISSUED BY THE TAHSILDAR VAIKOM.

EXT.R1(f) TRUE COPY OF THE ROC NO. 6983/07 MISC.3 DATED 3.9.2005.

RESPONDENTS 5 & 6'S EXHIBITS:

EXT.R5(a) TRUE COPY OF THE CERTIFICATE NO. 1748/2005 DATED 4.7.2005 ISSUED BY THE VILLAGE OFFICER, VECHOOR.

EXT.R5(b) TRUE COPY OF THE NOMINATION DATED 30.6.2005 MADE BY THE 5TH RESPONDENT.

EXT.R5(c) TRUE COPY OF THE CERTIFICATE NO. 1747/2005 DATED 4.7.2005 ISSUED BY THE VILLAGE OFFICER, VECHOOR.

EXT.R5(d) TRUE COPY OF THE CERTIFICATE NO. C1-4473/2005/03/K.DIS. DATED 15.7.2005
ISSUED BY TAHSILDAR, TALUK OFFICE, VAIKOM.

TRUE COPY

P.S. TO JUDGE.

C .N. RAMACHANDRAN NAIR &
V.K. MOHANAN, JJ.

W.P.C. No. 23530 OF 2005

Dated this the 30th day of June, 2008

JUDGMENT

Ramachandran Nair,J.

Petitioners are challenging Exts.P7 and P9 orders issued by the Devaswom Board declining the nomination of the second petitioner as successor Karanma Sambandhi of the Keraladityapuram Temple at Vayalar. According to the petitioners, their family have Karanma Sambandhi rights in the temple and the father of the first petitioner was doing the same job from 1948 and on his death/retirement the elder brother of the first petitioner was employed and thereafter first petitioner was employed in 1978. He continued till 2005 when he retired on attaining 55 years of age. The Devaswom Board treated him only as Karanma Sambandhi and therefore he was declined retirement benefits like gratuity and is also not entitled to any pension. Being Karanma Sambandhi first petitioner is entitled to nominate the next male member of the family to take over Karanma Sambandhi, is the

case of the petitioners. However, Devaswom Board found that fifth respondent is the only Karanma Sambandhi and on the nomination of the fifth respondent, his nephew, sixth respondent, was selected by the Board vide Ext.P9 order, which is under challenge in this W.P. We have heard counsel appearing for the petitioners, counsel appearing for the Devaswom Board and counsel appearing for respondents 5 and 6.

2. There is no dispute that fifth respondent is the Karanma Sambandhi of the temple traditionally and his one nominee is already working in the temple. The question is whether the vacancy arising on account of first petitioner's retirement can be filled up by the nominee of the fifth respondent. The case of the fifth respondent is that first petitioner's employment is not as Karanma Sambandhi, but as nominee of the Karanavan for want of qualified members in the Karanma family. However, neither the fifth respondent nor the Devaswom Board could deny that first petitioner's father was working in the temple from 1948 onwards as claimed by him. In fact, the so-called nomination of the first petitioner, in the absence of a qualified male member, by the predecessor of the fifth respondent, is also not borne out by records.

The temple is with the Devaswom Board ever since its inception and the Devaswom Board has no case that they have made regular employment of the first petitioner and paid him wages or treated him as regular employee. On the other hand, first petitioner was all through treated as Karanma Sambandhi and though he retired he was denied retirement benefits like gratuity and is also not entitled to any pension. Therefore obviously we have to take the first petitioner's appointment only as Karanma Sambandhi in the temple. In the absence of any proof about nomination of first petitioner by the fifth respondent or his predecessor, we have to go by what is stated by petitioners that is nomination of the first petitioner in 1978 by his predecessor, who was from the very same family. Consequently, we hold that Karanma families are two in number, the first petitioner's being one line and fifth respondent's is another, and both of them are entitled to nominate for vacancies arising on account of retirement/death of their family member for the post of Sambandhi. We therefore vacate Exts. P7 and P9 orders of the Board and direct the Board to treat the second petitioner as regular Karanma Sambandhi in the place of first petitioner

who retired in 2005. Since sixth respondent is also a qualified man, it is for the Board to consider him for employment in a suitable post in any temple.

W.P. is allowed to the extent indicated above.

(C.N.RAMACHANDRAN NAIR)
Judge.

(V. K. MOHANAN)
Judge.

kk

