

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944

WP(C) NO. 9594 OF 2022

PETITIONERS:

1 BEENA MAJU
AGED 41 YEARS
W/O. MAJUV.V., ACCOUNTANT CUM IT ASSISTANT, PAMPAKUDA
GRAMA PANCHAYAT, ERNAKULAM-686 667, RESIDING AT VELIYIL
(H), EAST MARADY P.O., MUVATTUPUZHA, ERNAKULAM-686 673

2 SOUMYA RAHI ALIAS SOUMYA THANGAPPAN,
AGED 37 YEARS
W/O. RAJI.K.R., ACCOUNTANT CUM IT ASSISTANT, PAMPAKUDA
GRAMA PANCHAYAT, ERNAKULAM-686 667, RESIDING AT
KARAKATTIL (H), ONAKKON P.O., PAMPAKUDA, ERNAKULAM-686
667

BY ADVS.
KALEESWARAM RAJ
VARUN C.VIJAY
THULASI K. RAJ

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT, LOCAL SELF
GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001

2 DIRECTOR OF PANCHAYAT,
DIRECTORATE OF PANCHAYATS, PATTOM,
THIRUVANANTHAPURAM-695 001

3 RURAL DEVELOPMENT COMMISSIONER & MISSION DIRECTOR,
MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME
(MGNREGS) FIRST FLOOR, PUNARJANI, T.C.26/133/(2),
PANAVILA JUNCTION, THIRUVANANTHAPURAM-695 001

4 PROGRAM CO-ORDINATOR/DISTRICT COLLECTOR,
MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME

(MGNREGS) , CIVIL STATION, KAKKANAD, ERNAKULAM-682 030

- 5 PROJECT DIRECTOR & JOINT PROGRAMME CO-ORDINATORY,
MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME
(MGNREGS) , CIVIL STATION, KAKKANAD, ERNAKULAM-682 030
- 6 PAMPAKUDA GRAMA PANCHYAT,
REPRESENTED BY ITS SECRETARY, P.O.PAMPAKUDA,
ERNAKULAM-686 667
- 7 SECRETARY,
PAMPAKUDA GRAMA PANCHAYAT, PAMPAKUDA.P.O.,
ERNAKULAM-686 667
- 8 THE PANCHAYAT COMMITTEE,
REPRESENTED BY ITS PRESIDENT, PAMPAKUDA GRAMA PANCHAYAT,
ERNAKULAM-686 667

OTHER PRESENT:

JOBY JOSEPH-SR.GP

JIBU .P.THOMAS-SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition is filed seeking the following reliefs :-

i) To issue a writ of certiorari quashing Ext.P5 as unjust, illegal and arbitrary;

ii) To declare that the petitioners are not liable to be terminated from service and that they are entitled to continue as Accountant cum IT Assistant till the Mahatma Gandhi National Rural Employment Scheme continues in Pampakuda Grama Panchayat;

iii) To issue a writ of mandamus directing the respondents to pass orders permitting the petitioners to continue in service as Accountant cum IT Assistant at Pampakuda Grama Panchayat:

iv) To issue a writ of mandamus directing the respondents to refrain from inducting fresh hands in the post of Accountant cum IT Assistant at Pampakuda Grama Panchayat, on temporary basis.

2. Heard the learned counsel for the petitioners and the learned Government Pleader as well as the learned counsel appearing for the respondent Panchayat.

3. It is submitted by the learned counsel for the petitioners that the petitioners were appointed under the MGNREG Scheme in Pampakuda Grama Panchayat, Ernakulam in the post of Accountant

cum IT Assistant. It is stated that the contract of the petitioners was renewed from time to time. It is submitted that at present a Government Order has been issued on 30.6.2022 extending the services of contract employees under the Scheme for a further period of two years from 30.6.2022. The extension is on condition that an appraisal will be conducted in July 2022 and the extension will be on the basis of the appraisal as well.

4. The learned Government Pleader submits that all the petitioners who are admittedly contract appointees under the Scheme are entitled to the benefit of the Government Order.

In the above view of the matter, this writ petition is disposed of directing that the services of the petitioners shall be continued on the basis of the Government Order dated 30.6.2022 and subject to the conditions provided therein. The contentions of the parties are left open.

This writ petition is ordered accordingly.

Sd/-
ANU SIVARAMAN
JUDGE

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APPENDIX OF WP(C) 9594/2022

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE AGREEMENT FOR CONTRACT STAFF OF THE 1ST PETITIONER DATED 25.04.2017
Exhibit P2	TRUE COPY OF THE AGREEMENT FOR CONTRACT STAFF OF THE 2ND PETITIONER DATED 08.05.2017
Exhibit P3	TRUE COPY OF THE AGREEMENT RENEWING THE CONTRACT OF THE 1ST PETITIONER DATED 01.04.2020
Exhibit P4	TRUE COPY OF THE LETTER OF AGREEMENT RENEWING THE CONTRACT OF THE 2ND PETITIONER DATED 01.04.2020
Exhibit P5	TRUE COPY OF THE NOTICE NUMBERED 24 (1) TAKEN BY THE PAMBAKUDA GRAMA PANCHAYAT COMMITTEE DATED 03.03.2022
Exhibit P6	TRUE COPY OF THE GO (MS) NO.952/12/LSGD DATED 29.03.2012
Exhibit P7	TRUE COPY OF THE GO (MS) NO.1149/2021/LSGD DATED 15.06.2021 ISSUED BY 1ST RESPONDENT
Exhibit P8	TRUE COPY OF THE GO (RT) NO.1067/2021/LSGD DATED 01.05.2021, ISSUED BY THE 1ST RESPONDENT
Exhibit P9	TRUE COPY OF THE ORDER PAN/14760/2020-E9(DP) DATED 12.01.2021, ISSUED BY THE DIRECTOR OF PANCHAYATS
Exhibit P10	TRUE COPY OF THE GO (MS) NO. 1496/2021/LSGD DATED 09.08.2021
Exhibit P11	TRUE COPY OF THE INTERIM ORDER IN WA NO.807/2021 DATED 30.06.2021
Exhibit P12	TRUE COPY OF THE JUDGMENT IN WRIT APPEAL NO.925/2021 AND CONNECTED CASE DATED 27.09.2021