



2023/KER/52657

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 5TH DAY OF SEPTEMBER 2023 / 14TH BHADRA, 1945

WP(C) NO. 16002 OF 2013

PETITIONER

K.MURALEEDHARAN NAIR,
KRISHNA, 29/1117, JANATHA ROAD,
VYTTILA, KOCHI - 682 019.

BY ADVS.
SRI.O.V.RADHAKRISHNAN (SR.)
SRI.K.RAJESH SUKUMARAN

RESPONDENTS :

- 1 UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS,
CENTRAL SECRETARIAT, NORTH BLOCK,
NEW DELHI - 110 001.
- 2 SECRETARY, MINISTRY OF LAW AND JUSTICE,
GOVERNMENT OF INDIA, CENTRAL SECRETARIAT,
NORTH BLOCK, NEW DELHI - 110 001.
- 3 STATE OF KERALA, REPRESENTED BY THE CHIEF
SECRETARY, GOVERNMENT OF KERALA, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 4 SECRETARY TO GOVERNMENT, PERSONNEL AND
ADMINISTRATIVE REFORMS (AR 12) DEPARTMENT,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 5 KERALA ADMINISTRATIVE TRIBUNAL, REPRESENTED BY
ITS REGISTRAR, OLD COLLECTORATE BUILDING,
VANCHIYOOR, THIRUVANANTHAPURAM - 695 035.



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- 6 JUSTICE K. BALAKRISHNAN NAIR,
CHAIRMAN, KERALA ADMINISTRATIVE TRIBUNAL,
OLD COLLECTORATE BUILDING, VANCHIYOOR,
THIRUVANANTHAPURAM - 695 035.
- 7 MATHEW C. KUNNUKAL,
ADMINISTRATIVE MEMBER, KERALA ADMINISTRATIVE
TRIBUNAL, OLD COLLECTORATE BUILDING, VANCHIYOOR,
THIRUVANANTHAPURAM - 695 035.
- 8 SRUNGARAM PRADEEP KUMAR NAIDU,
ADMINISTRATIVE MEMBER, KERALA ADMINISTRATIVE
TRIBUNAL, OLD COLLECTORATE BUILDING, VANCHIYOOR,
THIRUVANANTHAPURAM - 695 035.
- 9 VAZHUTHACAUD R.NARENDRAN NAIR,
VICE PRESIDENT OF INDIAN ASSOCIATION OF LAWYERS
KERALA CHAPTER, RESIDING AT SOPANAM, T.C.15/845-
1, BEHIND THIRUVANANTHAPURAM CLUB, SISUVIHAR
SCHOOL ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM-10.

BY ADVS.
SRI.T.K.ANANDA KRISHNAN
SRI.P.BIJIMON
SRI.R.T.PRADEEP
CGC SUVIN R. MENON;
SR. GP.T.K.VIPINDAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05.09.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**JUDGMENT**

Dated this the 5th day of September 2023

A.J. Desai, C.J.

By way of the present petition in the nature of public interest, the petitioner has prayed as under:

- "i) to declare that the objectives for which the 5th respondent-Tribunal was established are not achieved mainly, reduction of work load in the High Court and the expenditure incurred by the Government in conducting cases in the High Court is in no manner reduced or materialised, by reason of each and every decision on merit of the Tribunal is being challenged before this Hon'ble Court, the continuance of the 5th respondent-Tribunal does not serve any purpose apart from causing heavy financial burden on the State's Exchequer and added expenditure, inconvenience, hardships to the litigants and requires to be abolished in public interest;
- ii) to issue a Writ of Mandamus or other appropriate writ, direction or order directing respondents 1 to 4 to consider the necessity, feasibility and desirability of continuing 5th respondent-Tribunal as requested in Ext. P-23 representation objectively and to take appropriate decision in regard to abolition of 5th respondent-Tribunal in



discharge of its constitutional obligation and its executive responsibility;

- iii) to issue a Writ of Mandamus or other appropriate writ, direction or order directing Respondents 3 and 4 to consider and pass appropriate orders on Ext. P23 representation filed by the Petitioner as expeditiously as possible and at any rate, within a time-frame that may be fixed by this Hon'ble Court;
- iv) to issue a Writ of Mandamus or order or direction to the 3rd respondent to consider the request made by the Petitioner by evaluating the performance of the Tribunal and take a fresh decision, which may be communicated to the first respondent for appropriate action by de-notifying the Kerala Administrative Tribunal."

2. Today, when the matter is taken up, the learned Advocate appearing for the petitioner is not present.

3. A counter affidavit dated 03.02.2016 has been filed on behalf of respondents 3 and 4 i.e., the State Authorities. It has been stated therein that a similar issue was dealt with in other proceedings by this court and the same came to be decided in **Sreekantan v. State of Kerala** (2011 (2) KLT 394) and **Basil**



Attipetty v. Union of India (2012 (1) KLT 841).

In view of the issue being covered by the aforesaid two decisions, nothing survives for further adjudication in this writ petition. Accordingly, the writ petition is dismissed.

Pending interlocutory applications, if any, shall stand closed.

Sd/-

A.J. Desai
Chief Justice

Sd/-

V.G. Arun
Judge

vpv



APPENDIX OF WP(C) 16002/2013

PETITIONER'S EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE NOTIFICATION DATED 25/08/2010 PUBLISHED IN THE EXTRA ORDINARY GAZETTE OF INDIA.
- EXHIBIT-P2- TRUE COPY OF THE APPOINTMENT ORDER OF THE CHAIRMAN DATED 25/08/2010.
- EXHIBIT-P3- TRUE COPY OF THE GOVERNMENT ORDER G.O (MS) NO. 32/2010/P&ARD DATED 20/09/2010.
- EXHIBIT-P4- TRUE COPY OF THE ORDER PASSED BY THE HONOURABLE SUPREME COURT IN S.L.P 19833-19835/2011 DATED 01/08/2011.
- EXHIBIT-P5- TRUE COPY OF THE REPORT OF THE COMMITTEE CONSTITUTED FOR THE FORMATION OF STATE ADMINISTRATIVE TRIBUNAL IN KERALA DATED 17/10/2008
- EXHIBIT-P6- TRUE COPY OF THE MINUTES OF THE MEETING OF COUNCIL OF THE MINISTERS DATED 26/11/2008 (ALONG WITH ENGLISH TRANSLATION)
- EXHIBIT-P7- TRUE COPY OF THE GOVERNMENT ORDER G.O(MS) 9/08/P&ARD DATED 29/11/2008
- EXHIBIT-P8- TRUE COPY OF THE MINUTES OF THE MEETING OF THE COUNCIL OF MINISTERS DATED 22/07/2008 (ALONG WITH ENGLISH TRANSLATION)
- EXHIBIT-P9- TRUE COPY OF THE LETTER DATED 31/07/2009
- EXHIBIT-P10- TRUE COPY OF THE GOVERNMENT OF INDIA LETTER NO. A-11014/9/2009-AT DATED 09/09/2009



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- EXHIBIT-P11-** TRUE COPY OF THE NOTIFICATION DATED 22/12/2009 (ALONG WITH ENGLISH TRANSLATION)
- EXHIBIT-P12-** TRUE COPY OF THE RULES PUBLISHED BY THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCE AND PENSION AS PER NOTIFICATION DATED 06/03/2006.
- EXHIBIT-P13** TRUE COPY OF THE GOVERNMENT ORDER G.O(RT) 242/2010/P&ARD DATED 28/09/2010.
- EXHIBIT-P14-** TRUE COPY OF THE NOTIFICATION PUBLISHED IN THE WEBSITE BY THE GOVERNMENT OF KERALA.
- EXHIBIT-P15-** TRUE COPY OF THE DECISION OF THE STATE CABINET DATED 12/01/2011 (ALONG WITH ENGLISH TRANSLATION OF THE RELEVANT PAGE)
- EXHIBIT-P16-** TRUE COPY OF THE NOTE NO. 8875/AR-12(2)/2010/P&ARD PREPARED FOR CIRCULATION OBTAINED UNDER THE RIGHT TO INFORMATION ACT.
- EXHIBIT-P17-** TRUE COPY OF THE RELEVANT NOTE FILE DATED 27/01/2011 OBTAINED UNDER RIGHT TO INFORMATION ACT.
- EXHIBIT-P18-** TRUE COPY OF THE MINUTES OF THE MEETING OF THE COUNCIL OF MINISTERS OF THE STATE DATED 15/06/2011 (ALONG WITH ENGLISH TRANSLATION)
- EXHIBIT-P19-** TRUE COPY OF THE LETTER ISSUED BY THE STATE GOVERNMENT TO THE CENTRAL GOVERNMENT DATED 18/06/2011.
- EXHIBIT-P20-** TRUE COPY OF THE LETTER ISSUED BY THE CENTRAL GOVERNMENT TO THE STATE GOVERNMENT DATED 07/07/2011.



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**EXHIBIT-P21- TRUE COPY OF THE INFORMATION OBTAINED
UNDER RIGHT TO INFORMATION ACT DATED
27/03/2013.**

**EXHIBIT-P22- TRUE COPY OF THE INFORMATION RECEIVED
UNDER RIGHT TO INFORMATION ACT FROM THE
HONOURABLE HIGH COURT OF KERALA DATED
16/03/2013.**

**EXHIBIT-P22- TRUE COPY OF THE REPRESENTATION FILED BY
THE PETITIONER DATED 15/04/2013.**

RESPONDENT'S EXHIBITS:

**EXHIBIT R3 (A) : TRUE COPY OF GOVERNMENT LETTER
NO.7423/AR.12 (2) /13/P&ARD DATED
30.05.2013.**

//TRUE COPY//

P.A. TO JUDGE