

**പതിനാലാം കേരള നിയമസഭ  
അഞ്ചാം സമ്മേളനം**

നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ: 2213

05/05/2017-ൽ മറുപടിയ്ക്ക്

കേരള സ്റ്റേറ്റ് ബിവറേജസ് കോർപ്പറേഷനിലെ ഡെപ്യൂട്ടേഷൻ നിയമനം

ചോദ്യം

ഉത്തരം

ശ്രീ. ആർ. രാമചന്ദ്രൻ

ശ്രീ. ടി. പി. രാമകൃഷ്ണൻ  
(തൊഴിലും, എക്സൈസും  
വകുപ്പ് മന്ത്രി)

(എ) കേരള ബിവറേജസ് കോർപ്പറേഷനിലേയ്ക്ക് ഡെപ്യൂട്ടേഷൻ വ്യവസ്ഥയിൽ ജീവനക്കാരെ നിയമിക്കുന്നതിന് കോടതി ഉത്തരവുമൂലം വിലക്കിയിട്ടുണ്ടോ; പ്രസ്തുത ഉത്തരവിന്റെ പകർപ്പ് ലഭ്യമാക്കുമോ;

(എ) കേരള സ്റ്റേറ്റ് ബിവറേജസ് കോർപ്പറേഷനിൽ അന്യത്ര സേവനവ്യവസ്ഥയുമായി ബന്ധപ്പെട്ട് ഒരു നിയമനവും പാടില്ലായെന്നുള്ള ബഹു. ഹൈക്കോടതിയുടെ WP(C) 19522/15-ാം നമ്പർ കേസിലെ 30/06/2015-ലെ ഇടക്കാല ഉത്തരവ്, 21/03/2016-ലെ ഉത്തരവ് പ്രകാരം ബഹു. ഹൈക്കോടതി പിൻവലിച്ചിട്ടുള്ളതും അന്യത്ര സേവന നിയമനവുമായി ബന്ധപ്പെട്ട തുടർ നടപടി ക്രമങ്ങൾ കേസിയുടെ അന്തിമവിധിയ്ക്ക് വിധേയമായിട്ടായിരിക്കുമെന്ന് ഉത്തരവായിട്ടുള്ളതുമാകുന്നു. (പകർപ്പ് ഉള്ളടക്കം ചെയ്യുന്നു)

(ബി) പ്രസ്തുത ഉത്തരവ് നിലനിൽക്കെ (ബി) ഡെപ്യൂട്ടേഷൻ വ്യവസ്ഥയിൽ നിയമനം നടത്തിയിട്ടുണ്ടോ;

ഉണ്ട്.

(സി) അസിസ്റ്റന്റ് ഗ്രേഡ് II തസ്തികയിൽ ഡെപ്യൂട്ടേഷൻ വ്യവസ്ഥയിൽ എത്ര പേർ ജോലി ചെയ്യുന്നുവെന്ന് വ്യക്തമാക്കുമോ?

(സി) കേരള സ്റ്റേറ്റ് ബിവറേജസ് കോർപ്പറേഷനിൽ കഴിഞ്ഞ സർക്കാരിന്റെ കാലത്ത് അസി. ഗ്രേഡ് II തസ്തികയിൽ ഡെപ്യൂട്ടേഷൻ വ്യവസ്ഥയിൽ നിയമനം ലഭിച്ച 2 പേർ നിലവിൽ ജോലി ചെയ്തു വരുന്നു.

*Frederick*  
സെക്ഷൻ ഓഫീസർ

A.V.RAMAKRISHNA PILLAI, J.

=====

W.P(C) No.19522 of 2015

=====

Dated this the 30<sup>th</sup> day of June, 2015

**ORDER**

Learned Government Pleader takes notice for respondents 1 and 2. Learned standing counsel takes notice for respondents 3 and 4. Learned standing counsel takes notice for respondents 5 and 6:

Engaging the persons on deputation basis from other sources in the service of third respondent without engaging the persons included in Ext.P11 list shall be kept in abeyance for two weeks.

Sd/-

A.V.RAMAKRISHNA PILLAI,

Judge

(True Copy)



Assistant Registrar

krj ✓

2  
11/7/15

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

Tuesday, the 14th day of July 2015/23rd Ashadha, 1937

WP(C).No.19522/2015(M)

2854  
29/10/15

PETITIONERS

1. SHIBU, S/O.D.MOHANAN, PLAVILA VEEDU, PUNTHALATHAZHAM KILIKOLLOOR P.O, KOLLAM.

AND OTHERS.

RESPONDENTS

1. STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT TAXES (A) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM PIN 695001.

AND OTHERS.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim order of stay of engaging persons on deputation basis from other sources in the service of the 3<sup>rd</sup> respondent without giving engagement to the petitioners as Abkari Workers on daily wage basis as per Exhibit P11 pending disposal of the above Writ Petition (Civil) and render justice.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 30/06/2015 and upon hearing the arguments of <sup>SRI</sup> ANCHAL C.VIJAYAN, Advocate for the petitioner, GOVERNMENT PLEADER, for R1 and R2, Standing Counsel for R3 and R4 and of SRI.ROY CHACKO, Standing Counsel for R5 and R6, the court passed the following:-

ORDER


The respondents seek time to file counter. Counter, if any, shall be filed with in one month.

Interim order is extended until further orders.

14-07-2015

Sd/- A.V.RAMAKRISHNA PILLAI, JUDGE

/true copy/

  
ASSISTANT REGISTRAR

pvb/1

2  
15/7/15

A.M.SHAFFIQUE, J

\*\*\*\*\*

I.A.No.13998 of 2015

in

W.P.C.No.19522 of 2015

Dated this the 21<sup>st</sup> day of March 2016

**ORDER**

An interim order was passed by this Court on 30/06/2015 in W.P.C.No.19522/2015 by which a direction was issued that the respondents shall not engage persons on deputation basis or from other sources in the service of third respondent without engaging persons from Ext.P11 select list. On 14/07/2015, the interim order was extended until further orders. Ext.P11 is the list prepared by the Kerala Abkari Workers Welfare Fund Board and the same had been forwarded to the Government by which the names of 75 persons have been mentioned as dependents of Abkari workers who have lost their employment on account of the policy of the Government in stopping arrack sale in the State.

2. Counter affidavit has been filed by respondents 3 and

4. I.A.No.13998/2015 has been filed by respondents 3 and 4

seeking to modify or vacating the interim order inter alia alleging that all appointments in the Corporation has to be kept in abeyance on account of the interim directions issued by this

I.A.No.13998/2015  
in W.P.C.No.19522/2015

2

Court.

3. Learned counsel for the petitioners submits that, by virtue of the directions issued by this Court, certain persons from Ext.P11 list has already been engaged as Abkari workers. According to the petitioners, Abkari workers have to be engaged only from Ext.P11 list.

4. Counter affidavit is filed by the Government in which it is stated that the Government is intending to engage about 292 employees from other Department/PSU on deputation basis. It is stated that as per the policy of the Government, Corporation has to close down 10% outlets every year. In the light of the fact that the Corporation will be wound up within 10 years as per new Abkari policy, it is proper to depute employees from other Departments/Public Sector Undertakings other than making permanent employment. As far as the facts in issue are concerned, I do not intend to enter into the merits of the claims of the petitioners.

5. As matters stand now, petitioners' right is only based on Ext.P11 list. During the pendency of this writ petition, whether the Government should make appointment based on the list

A.No.13998/2015  
in W.P.C.No.19522/2015

3

matter to be considered. Until such time, this Court will not be justified in directing that no person shall be engaged without engaging persons from Ext.P11 list.

6. Accordingly, this application is allowed and the interim order dated 30/06/2015, which is extended until further orders as per order dated 14/07/2015, is vacated and it is made clear that any appointment made by the 3<sup>rd</sup> respondent either regular or on deputation basis, shall be subject to the result of the writ petition.

List W.P.C.No.19522 of 2015 along with  
W.P.C.No.31961/2015 for hearing.

(True Copy)

Sd/-  
A.M. SHAFFIQUE, (JUDGE)

Assistant Registrar

jsr

Sreedevi  
S.D.

23/3/16