

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE
&
THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

Thursday, the 11th day of November 2021 / 20th Karthika, 1943
WP(C) NO. 23776 OF 2021(S)

PETITIONERS:

1. THE KERALA ADMINISTRATIVE TRIBUNAL ERNAKULAM
ADVOCATES ASSOCIATION (KATEAA), REPRESENTED BY ITS SECRETARY,
ADVOCATE T.R. RAJESH, 3RD FLOOR, KERALA ADMINISTRATIVE TRIBUNAL,
MERCURY CHAMBERS, SADANAM ROAD, JOSE JUNCTION, KOCHI, KERALA - 682 016.
2. R.K. MURALIDHARAN, AGED 56, S/O. DAMODARAN NAIR, ADVOCATE, T/19,
EMPIRE BUILDING, KOCHI, KERALA - 682 018.

RESPONDENTS:

1. UNION OF INDIA,
REPRESENTED BY SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF LAW & JUSTICE (DEPARTMENT OF JUSTICE),
JAISELMER HOUSE, 26, MANSION ROAD, NEW DELHI - 110 011.
2. THE SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION,
(DEPARTMENT OF PERSONNEL AND TRAINING) 102,
NORTH BLOCK, CENTRAL SECRETARIAT, NEW DELHI - 110 00.
3. THE STATE OF KERALA,
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
PERSONNEL AND ADMINISTRATIVE REFORMS (RULES) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, KERALA - 695 001.
4. THE SELECTION COMMITTEE,
(SELECTION OF MEMBERS FOR THE KERALA ADMINISTRATIVE TRIBUNAL),
HIGH COURT OF KERALA, ERNAKULAM, KOCHI, KERALA - 682 031,
REPRESENTED BY ITS CHAIRMAN.

P.T.O.

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 stay the operation of Rules 4 and 5 of the Tribunal (Conditions of Service) Rules, 2021 and all further proceedings pursuant to these Rules, enabling effective functioning of the Kerala Administrative Tribunal with all the existing members; pending disposal of the Writ Petition.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 09/11/2021 and upon hearing the arguments of M/S. M.V. BOSE, VINOD MADHAVAN & SHARATH S.PUTHENPARAMPAN, Advocates for the petitioners, the court passed the following:

P.T.O.



A.MUHAMED MUSTAQUE & SOPHY THOMAS, JJ.

W.P (C) Nos.10706, 12707 and 23776 of 2021

Dated this the 11th day of November, 2021

ORDER

A.Muhamed Mustaque, J

Read order dated 2.11.2021.

Pursuant to the above order, the learned Senior Government Pleader placed two communications issued to the Registrar General, High Court of Kerala by the Additional Chief Secretary of the Government dated 16.10.2021 and the Principal Secretary to the Government dated 1.11.2021 respectively along with a memo dated 2.11.2021. The request in these communications is to inform the convenience of the Hon'ble the Chief Justice, High Court of Kerala to convene a meeting for selection of two judicial members of the Kerala Administrative Tribunal (for short "KAT"). The two judicial members whose term have already been expired, are now continuing based on the orders of

..2..

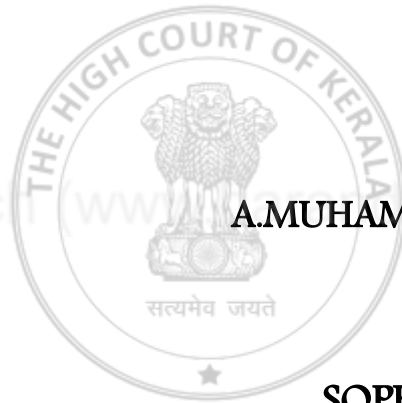
this Court. The learned Standing Counsel for KAT submits that the entire functioning of KAT would come to halt, if the two judicial members are not permitted to continue. The learned Senior Counsel for the petitioners also submitted that without there being judicial members, KAT cannot function. However, the learned Senior Government Pleader, Sri. Antony Mukkath, opposed the continuation of the judicial members and submits that the Chairman can function with the assistance of the administrative member.

2. In the order dated 15.07.2021 itself we have noted that the function of the Tribunal cannot be carried out without the judicial members. However, propriety to continue can be decided after hearing the learned Senior Government Pleader at a later stage. It is to be noted that the selection process has not been commenced in terms of the Tribunal Reforms Act, 2021.

..3..

If any delay occurs, it would seriously affect the functioning of the Tribunal. It is appropriate that the Registry brings it to the notice of the Hon'ble the Chief Justice about the communication from the Government dated 16.10.2021 as well as 2.11.2021. In the meanwhile, we permit the judicial members to continue.

Post on 25.11.2021.



Sd/-

A.MUHAMED MUSTAQUE, JUDGE

Sd/-

SOPHY THOMAS, JUDGE

PR