

WWW.LIVELAW.IN

A.MUHAMED MUSTAQUE & DR.KAUSER EDAPPAGATH, JJ.

=====
W.P.(C).No.10706/2021

~~~~~  
Dated this the 1<sup>st</sup> day of June, 2021

**O R D E R**

A.Muhamed Mustaque, J.

This writ petition has been filed by the Kerala Administrative Tribunal Ernakulam Advocates' Association along with a lawyer practising before this Court.

2. They apprehend the entire activities of the Tribunal would come to halt on account of the delay in appointing the Chairman of the Tribunal. It is submitted that the Chairman of the Tribunal, Mr.Justice T.R.Ramachandran Nair completed the term on 15/09/2020 and another administrative member (Shri Somasundaran) retired on 26/05/2021. It is also submitted that two other Judicial Members (Shri Benny Gervacis and Shri V.Rajendran) will complete their term on 19/07/2021. It

W.P.(C).No.10706/2021

-:2:-  
[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

is alleged that a selection committee was constituted to select an administrative member without Chairman being the part of such committee.

3. A proposal for appointment of Chairman has been forwarded by the State Government on 27/07/2020. As seen from the Answer given by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) to a query raised by the Honourable Member of Parliament; the proposal was referred to Honourable Chief justice of India for consultation in terms of section 6(3) of the Administrative Tribunals Act, 1985 and; the response received from the Honourable Chief Justice of India on 05/02/2021. It is further stated in the answer, the recommendation requires approval of the Competent Authority. It is submitted by the learned ASG that the cabinet appointment committee is the final authority to decide on the recommendation.

4. As disclosed from the facts and pleadings, the entire functioning of the Kerala Administrative Tribunal would come to a halt as the two Judicial Members would also retire in the month of July 2021.

W.P.(C).No.10706/2021

-:3:-

[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

In such circumstances, an expeditious decision on the recommendation of appointment of the Chairman is required. It is appropriate that the decision is taken on the recommendation by the competing authority within a period of three weeks. Any selection process, pursuant to the notification, for the selection of administrative members will be subject to the outcome of this writ petition.

Post after three weeks.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

Sd/-

**DR.KAUSER EDAPPAGATH, JUDGE**

PR/ms