

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Tuesday, the 20th day of December 2022 / 29th Agrahayana, 1944
WP(C) NO. 40636 OF 2022(R)

PETITIONER:

SAJEEV KUMAR P.P., DAFFEDAR, HIGH COURT OF KERALA, KOCHI - 682 031.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ADDITIONAL CHIEF SECRETARY TO GOVERNMENT, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE HIGH COURT OF KERALA, REPRESENTED BY REGISTRAR GENERAL, ERNAKULAM - 682 031.
3. ADDL. R3 : VIJAYAKUMARI AMMA C.R., 56 YEARS, D/O RAVINDRAN PILLAI (LATE), RESIDING AT KRISHNA KRIPA, THIRUVONAM NAGAR, THRIKKAKARA, COCHIN UNIVERSITY P.O., ERNAKULAM - 682 022, IS IMPLEADED AS PER THE ORDER DATED 19/12/2022 IN I.A.NO.1/2022 IN WP(C) NO.40636/2022.

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 direct the respondents to permit the petitioner and other members of the Kerala High Court service attaining age of superannuation at 56 years to continue in service provisionally till a decision is taken by the 1st respondent on Ext.P3, pending disposal of the Writ Petition(C).

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S P.DEEPAK & M.T.SURESHKUMAR, Advocates for the petitioner, SRI.T.B. Hood, Special Government Pleader for R1 and of SRI.RILGIN V.GEORGE, Advocate for the Addl. R3, the court passed the following:

P.T.O.

DEVAN RAMACHANDRAN, J.

W.P (C) No. 40636 of 2022

Dated this the 20th day of December, 2022

O R D E R

I have heard Sri.P.Deepak - learned counsel for the petitioner; Sri.Rilgin George Veliyath - learned counsel for respondent No.3 and Sri.T.B.Hood - learned Special Government Pleader for respondent No.1; and am of the view that a *prima facie* case has been made out, warranting admission of this writ petition. It is so ordered.

2. I notice that in Ext.P3, the High Court of Kerala has informed the Government that a Committee of Judges have settled a report, recommending enhancement of the age of superannuation of its staff. This is seen edified on the fact that judicial reforms, proposed through 'Model Digital Court', is the first of its kind in the country. It then says, '*on the proposal of enhancement of age of superannuation of members of the staff of the High Court from 56 to 58, the High Court is foraying into customary and paperless courts to strike a balance between*

WPC 40636/22

2

swiftness and adherence to verification procedures in matter of adjudication. The High Court feels that the service of experienced staff could be utilised during the transitory stage'.

The said letter thus makes the unequivocal recommendation that the services of its experienced staff are required to be utilised during the transitory stage.

3. This Court is informed that, the aforementioned 'transitory stage' begins from the first of January 2023, as evidenced from Ext.P2 notification.

4. Sri.T.B.Hood – learned Special Government Pleader, submits that Ext.P3 proposal is in the active consideration of the Government and that an apposite decision will be taken thereon without any avoidable delay. He added that, in fact, this Court has already made the retirement of the petitioners in two other cases, subject to the result of the said writ petitions.

5. It is thus clear that, on one side, it is obligatory on the Government to consider the proposal of this Court in its proper perspective; while, on the other, the requirement of experienced staff for it, during the transitory period, is unexpendable.

6. To obtain a balance, I am certain that Government must

WPC 40636/22

3

take a decision on Ext.P3 at the earliest, keeping in mind the above important aspects, especially that the "transitory stage" is commencing soon.

7. Since Sri.T.B.Hood says that Government is considering Ext.P3 proposal in its true spirit without delay, I order that retirement of the petitioner and the party respondent will be subject to the final orders in this writ petition.



sd/-

**DEVAN RAMACHANDRAN ,
JUDGE**

ACR

APPENDIX OF WP(C) 40636/2022

Exhibit P2

A TRUE COPY OF THE NOTICE DATED 07.11.2022 ISSUED BY THE REGISTRAR GENERAL.

Exhibit P3

A TRUE COPY OF THE PROPOSAL DATED 25.10.2022 (NO.A7-71454/2021)

