

ITEM NO.8

Court 5 (Video Conferencing)

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.4241/2021

(Arising out of impugned final judgment and order dated 01-02-2021 in W.A. No.2633/2017 passed by the High Court of Kerala at Ernakulam)

MAYA P.C. & ORS.

Petitioner(s)

VERSUS

THE STATE OF KERALA & ORS.

Respondent(s)

(With appln.(s) for I.R. and IA No.35730/2021-EXEMPTION FROM FILING O.T.)

WITH S.L.P.(C) Nos.4266-4267/2021 (XI-A)

(With appln.(s) for I.R. and IA No.36116/2021-EXEMPTION FROM FILING O.T.)

Date : 26-03-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Jayant Muthraj, Sr. Adv.
Mr. Jaimon Andrews, Adv.
Piyo Harold Jaimon, Adv.
Mr. Sandeep Thakur, Adv.
Mr. Naresh Kumar, AOR

Mr. Roy Abraham, Adv.
Ms. Reena Roy, Adv.
Ms. Seema Jain, Adv.
Mr. Himinder Lal, AOR
Mr. Akhil Abraham, Adv.

For Respondent(s)

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 Mr Jayant Muthraj, learned senior counsel appearing on behalf of the petitioners has submitted that:
 - (i) The petitioners were appointed in pursuance of GO(P) No 40/13/S.J.D. dated 24 May 2013 (Annexure P-2) which specifically indicates that 2677 physically handicapped persons who had completed 179 days of service after temporary appointment under the KS and SSR Part II Rule 9(A)(1) were being granted regular appointment;
 - (ii) The order of appointment dated 10 December 2013 (Annexure P-6) specifically records that these persons were being regularly appointed as Assistants and their position in the seniority list was to be immediately below the junior most Assistant; and
 - (iii) The appointments were to supernumerary posts which would be exhausted as and when the incumbents retires from service.
- 2 On the above foundation, it has been submitted that the appointments were made on a regular basis *albeit* to supernumerary posts and once a vacancy arises in the regular cadre, the petitioners are required to be considered for that purpose. It has been submitted that it was only three years subsequently that it came to be ordered that the petitioners would continue in the same post until their date of retirement.
- 3 Issue notice, returnable in eight weeks.
- 4 Dasti, in addition, is permitted.

- 5 Counter affidavit shall be filed within a period of four weeks from the date of service of the notice.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master