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**(2023) 08 KL CK 0233**

**High Court Of Kerala**

**Case No:** Writ Petition (C) No. 28485 Of 2023

Smt Santhi.J

APPELLANT

Vs

State Of Kerala

RESPONDENT

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**Date of Decision:** Aug. 24, 2023

**Hon'ble Judges:** Devan Ramachandran, J

**Bench:** Single Bench

**Advocate:** T.R.Rajan, Mable C.Kurian

**Final Decision:** Disposed Of

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### **Judgement**

Devan Ramachandran, J

1. The petitioner says that she has been terminated illegally from the services of the 3rd respondent - Welfare Fund Audit Department, though she had

served for more than thirteen years as a ~~Casual~~ Sweeper, without any blemish. She says that she, therefore, approached the 4th respondent,

after having obtained a judgment from this Court in the meanwhile; and that said Authority issued Ext.P9 order, finding her termination to be illegal and

directing the 3rd respondent to reinstate her. She alleges that, however, no action has been taken by the 3rd respondent; and thus that she has been

constrained to approach this Court, through this writ petition.

2. Sri.R.Rajant learned counsel for the petitioner, explained the plight of his client, saying that, she is now left without any means of livelihood and

is finding it extremely difficult to sustain, or to take care of her most basic needs. He asserted that petitioner is now in a state of penury and that

unless she is reinstated forthwith, she would be irreparably prejudiced.

3. The learned Senior Government Pleader " Smt.Mable C.Kurian, submitted that she does have instructions if Ext.P9 order has been issued by the

4th respondent; or if the 3rd respondent has refused to abide by the same. She, therefore, prayed that no affirmative declarations be made in this case,

though leaving it to this Court to issue appropriate orders to the 3rd respondent to deal with the claim of the petitioner appositely.

4. I have examined Ext.P9 and it appears to be an order issued by the 4th respondent as stated by the petitioner. It is certainly, therefore, incumbent

upon the 3rd respondent to advert to the said order and take a decision with respect to the directions therein without any avoidable delay. I, therefore,

propose to dispose of this writ petition, ordering the said respondent to do so, particularly taking note of her plight as stated by Sri.R.Rajant.

In the afore circumstances, this writ petition is ordered, directing the 3rd respondent to immediately advert to Ext.P9 order of the 4th respondent and

take a decision thereon, as expeditiously as is possible, but not later than one week from the date of receipt of a copy of this judgment.

The resultant order shall be communicated to the petitioner within the said period and I make it clear that all her contentions are left open to be

impelled in future, if it becomes so necessary.

I, however, deem it necessary to clarify that this Court has not spoken affirmatively with respect to the claim of the petitioner and it is up to the 3rd

respondent to deal with Ext.P9 in the manner as is legally permitted, but his opinion shall be reflected in the resultant order. It is so ordered.

To obtain an expeditious compliance of the afore directions, I permit the petitioner to place a copy of this judgment along with a copy of this writ

petition and the afore time frame will commence from the date on which it is done.