

**(2025) 02 KL CK 0043**

**High Court Of Kerala**

**Case No:** Writ Petition (C) No. 38109 Of 2024

Suresh S

APPELLANT

Vs

State Of Kerala

RESPONDENT

**Date of Decision:** Feb. 10, 2025

**Hon'ble Judges:** D. K. Singh, J

**Bench:** Single Bench

**Advocate:** Lijin Thamban, Anagha Suresh, Amrutha, Rahul Surendran, Bimal K. Nath

**Final Decision:** Disposed Of

### **Judgement**

D. K. Singh, J

1. Heard Ms Anju, learned Counsel for the petitioners; Mr Rahul Surendran, learned Standing Counsel for the 2nd and 3rd respondents; and Mr Bimal

K Nath, learned Senior Government Pleader for the 1st respondent.

The petitioners were appointed as daily wage drivers and salesmen in response to the advertisement dated 31.08.2014 issued by the 2nd respondent.

The petitioners had been working since 2015 in the said organization. At present, they are drawing wages at the rate of Rs.600/-per day. The

petitioners have approached this Court for the following reliefs:

i) Declare that the inaction on the part of the respondents in not giving engagement to the petitioners is highly unjust and illegal;

ii) Issue a Writ of Mandamus or any other Writ, Order or Direction commanding and compelling the 1st & 2nd respondents to regularize the petitioners in service;

iii) Issue a Writ of Mandamus or any other Writ, Order or Direction commanding and compelling the respondents to engage the petitioners for work, in the interest of justice;

iv) Dispense with translation of vernacular documents;

v) To issue such other Writ, Order or Direction as this Honourable Court may deem fit and proper in the facts and circumstances of the case.â€

2. The learned Counsel for the 2nd and 3rd respondents submits that the petitioners were employed under the â€Haritha Vegetable Mobile Unitâ€™

Scheme. This initiative was aimed at providing employment opportunities to individuals belonging to the Scheduled Castes and Scheduled Tribes. The

vehicles for the Scheme were procured using funds allocated for that purpose. Later, it was found that the scheme was not viable, and therefore, the

scheme was suspended. However, the petitioners have been given employment to do other work, and they have been continuing on a daily wage

basis.

2.1 He,â therefore,â submitsâ thatâ theâ petitionersâ whoâ were appointed as daily wagers cannot be regularized, and there is no scheme for

the regularization of a daily wager in HortiCorp. As far as the question of providing minimum wages to the petitioners is concerned, the learned

Counsel for the respondents submits that this Court may pass appropriate orders.

3. I have considered the submissions advanced on behalf of all parties.

4. The petitioners have been working for almost ten years with respondents 2 and 3. The wages at the rate of Rs.600/- per day are very minimal and

do not justify the work being done by the petitioners. They have been in the organization for almost ten years. Therefore, they are to be paid a

minimum wage for the post of driver/salesman. So far as the question of regularization is concerned, as and when there are regular vacancies in the

post of driver/salesman, the petitionersâ€™ case shall be considered for regularization in accordance with the law.

5. Thus, the present writ petition is disposed of with direction to the 2nd and 3rd respondents to pay the minimum pay of the post of driver/ salesman to

the petitioner, whichever is higher from the month of March 2025. The petitionersâ€™ case for regularization shall be taken as and when there are

regular vacancies in the post of driver/ salesman, and they shall be given preference to regularize their service in accordance with the law.