

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**MONDAY, THE 21ST DECEMBER 2009 / 30TH AGRAHAYANA 1931**

**WP(C).No. 18751 of 2004(G)**  
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**PETITIONERS:**  
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- 1. THE KERALA DAIRY DEVELOPMENT  
DEPARTMENT MINISTERIAL STAFF ASSOCIATION, PATTOM,  
THIRUVANANTHAPURAM, REPRESENTED BY ITS  
PRESIDENT D.SASIDHARAN, UPPER DIVISION CLERK,  
OFFICE OF THE DAIRY DIRECTORATE,  
THIRUVANANTHAPURAM.**
- 2. A.VIJAYAKUMAR, UPPER DIVISION CLERK,  
OFFICE OF THE DEPUTY DIRECTOR OF DAIRY  
DEVELOPMENT, PATTOM, THIRUVANANTHAPURAM.**
- 3. J.NAJIMA BEEVI, UPPER DIVISION CLERK,  
OFFICE OF THE DEPUTY DIRECTOR OF DAIRY  
DEVELOPMENT,PATTOM, THIRUVANANTHAPURAM.**
- 4. A.SUKESAN, UPPER DIVISION CLERK,  
DAIRY DIRECTORATE, PATTOM, THIRUVANANTHAPURAM.**
- 5. JUSTIN B.WILLIAM, UPPER DIVISION CLERK,  
OFFICE OF THE SUPERINTENDENT, SEWAGE FARM,  
VALIATHURA, THIRUVANANTHAPURAM.**
- 6. B.AJAYAKUMAR, UPPER DIVISION CLERK,  
DAIRY DIRECTORATE, THIRUVANANTHAPURAM.**
- 7. P.VIJAYAKUMAR, LOWER DIVISION TYPIST,  
OFFICE OF THE DEPUTY DIRECTOR, SEWAGE FARM,  
VALIATHURA, THIRUVANANTHAPURAM.**
- 8. V.GOPAKUMAR, UPPER DIVISION CLERK,  
(H.G), OFFICE OF THE DEPUTY DIRECTOR,  
DAIRY DEVELOPMENT, THIRUVANANTHAPURAM.**

**BY MR.M.K.DAMODARAN, SENIOR ADVOCATE,  
ADV. MR.P.K.VIJAYAMOHANAN.**

**W.P.(C). NO.18751/2004-G:**

**RESPONDENTS:**

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- 1. THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**
- 2. THE SECRETARY TO GOVERNMENT, AGRICULTURE (DAIRY) DEPARTMENT, THIRUVANANTHAPURAM.**
- 3. THE DIRECTOR OF DAIRY DEVELOPMENT, PATTOM, THIRUVANANTHAPURAM.**

**\*ADDL.R4. IMPLAEDED:**

- 4. THE ASSOCIATION OF DAIRY OFFICERS, DEPARTMENT OF DAIRY DEVELOPMENT, KERALA, THIRUVANANTHAPURAM, REP. BY ITS GENERAL SECRETARY SRI. R. SREECHANDRA BABU, TECHNICAL ASSISTANT, DAIRY EXTENSION OFFICER, O/O DEPUTY DIRECTOR OF DAIRY DEVELOPMENT, PATTOM, THIRUVANANTHAPURAM.**

**\*ADDL.R4 IMPLAEDED AS PER ORDER DATED 08/09/04 IN I.A. NO.11846/04.**

**\*ADDL.R5 IMPLAEDED:**

- 5. ALL KERALA DAIRY FARM INSPECTORS ASSOCIATION, REG. NO.204/78, THIRUVANANTHAPURAM, REPRESENTED BY ITS GENERAL SECRETARY ROY ALEXANDER.**

**\*ADDL.R5 IMPLAEDED AS PER ORDER DATED 20/09/04 IN I.A. 12658/04.**

**R1 TO R3 BY SR. GOVT. PLEADER MR. P. NANDAKUMAR,  
ADDL.R4 BY ADV. MR.N.SUGATHAN,  
ADDL.R5 BY ADV. MR.A.JAYASANKAR.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/12/2009, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

W.P.(C). NO.18751/2004-G:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. EB(2)48812/2003 DATED 07/06/2004 OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES.

EXT.P.2: COPY OF THE STATEMENT DTD. 31/03/2004 SHOWING THE NUMBER OF DAIRY CO-OP. SOCIETIES AS ON 31/03/2004.

EXT.P.3: COPY OF THE LETTER NO. 6238/D1/96/AD DTD. 23/05/1996 OF THE R.2.

EXT.P.4: COPY OF THE JUDGMENT DTD. 11/02/2004 IN W.A. NO. 3035/2000.

EXT.P.5: COPY OF THE COMMUNICATION NO. 10394/D1/04/AD DTD. 21/05/2004.

EXT.P.6: COPY OF THE CIRCULAR NO.G1-13750/02 DTD. 17/05/2004 OF THE R.3.

EXT.P.7: COPY OF THE LIST OF HDC QUALIFIED MINISTERIAL STAFF OF THE DAIRY DEVELOPMENT DEPARTMENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE.

Prv.

**ANTONY DOMINIC, J.**

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**W.P.(C) NO.18751 OF 2004 (G)**  
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**Dated this the 21<sup>st</sup> day of December, 2009**

**J U D G M E N T**

First petitioner is the Association of the Ministerial Staff in the Dairy Development Department and petitioners 2 to 8 are ministerial staff in the Dairy Development Department. Their grievance is against Exts.P5 and P6.

2. It is stated that initially the post of Co-operative Inspector in the Dairy Development Department was assigned to the employees of the Co-operative Department. Petitioners state that, subsequently, the employees of the Dairy Development Department were deputed for training for Higher Diploma and Junior Diploma in Co-operation. On completion of training they claimed accommodation against the posts held by the deputationists. That was turned down in Ext.P3 but however Government made it clear that, later when situation improves, the claims will be considered.

3. It is stated that subsequently the employees of the Co-operative Department were repatriated to their parent department. However, duties discharge employees of the Co-

operative Department, who were on deputation, were assigned to the employees of the Technical wing of the Dairy Development Department and not to the ministerial wing like the petitioners.

Ext.P6 is a circular issued by the Dairy Development Board, by which the powers which were exercised by the Co-operative Inspectors have been assigned to the employees in the Technical Wing.

4. They approached this court by filing O.P.No.16283/96 urging this claim. That Original Petition was dismissed but writ appeal and other connected Original Petitions were disposed of by Ext.P4 common judgment, directing the Government to consider the matter. Accordingly, the Government considered the matter and issued Ext.P5 stating that the post of Co-operative Inspector itself has been found to be unnecessary and was abolished. It is stated that therefore there is no need to appoint the petitioners as Co-operative Inspectors. It is in the aforesaid circumstances challenging Ext.P5 and P6 and seeking a direction to the first respondent to consider their claim that this writ petition is filed.

5. What emerges from the facts disclosed above is that the Government had declared its policy in Ext.P5 to abolish the post of Co-operative Inspector. They have also taken a policy decision

to assign duties to the employees in the cadre of Dairy Extension Officer and the Dairy Farm Inspector. The question is whether by virtue of the fact that the petitioners have undergone training in the Higher Diploma and Junior Diploma in Co-operation they should be assigned the duties which are now assigned to the employees in the technical wing.

6. In my view, this is a matter of policy for the Government to decide and it is also for the Government to decide in what best manner they can utilize their employees. In exercise of this power if the Government have chosen to confer the powers which were exercised by the Co-operative Inspectors to the Dairy Extension Officers and Dairy Farm Inspectors, unless it is found to be arbitrary or vitiated by mala fides, this court will not be justified in interfering with the same. Mere fact that the petitioners have undergone training also does not enable them to claim orders in the nature of Ext.P6 . Therefore, Ext.P5 calls for no interference,.

Writ Petition fails and is dismissed.

**(ANTONY DOMINIC)  
JUDGE**

WPC.No. 18751/04

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