

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 11TH DAY OF SEPTEMBER 2023 / 20TH BHADRA, 1945

WP(C) NO. 24568 OF 2023

PETITIONERS:

- 1 THE KERALA ADMINISTRATIVE TRIBUNAL ERNAKULAM
ADVOCATES ASSOCIATION (KATEAA) REPRESENTED BY ITS
SECRETARY, ADV.PRASANTH.S, 3RD FLOOR, KERALA
ADMINISTRATIVE TRIBUNAL, MERCURY CHAMBERS, SADANAM
ROAD, JOSE JUNCTION, KOCHI, KERALA, PIN - 682016
- 2 I.SHEELA DEVI,AGED 62 YEARS, W/O LATE RAJENDRAN
PILLAI, ADVOCATE, VIGNESHWARA, A5, VB CREST, ST
MARTIN ROAD, PALARIVATTOM, KOCHI, PIN - 682025

BY ADVS.

ELVIN PETER P.J.

K.R.GANESH

GOURI BALAGOPAL

ABHIJITH.K.ANIRUDHAN

SREELEKSHMI A.S.

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY
TO THE GOVERNMENT OF KERALA, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-KERALA, PIN -
695001
- 2 SECRETARY,DEPARTMENT OF LAW, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, KERALA, PIN -
695001
- 3 SECRETARY,DEPARTMENT OF ELECTRONICS AND INFORMATION
TECHNOLOGY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, KERALA, PIN - 695001
- 4 THE KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM,REPRESENTED BY THE REGISTRAR,
KERALA ADMINISTRATIVE TRIBUNAL, VANCHIYOOR P.O.,
THIRUVANANTHAPURAM, KERALA, PIN - 695035

BY ADV SUNIL K KURIAKOSE, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11.09.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

The plea of the petitioners certainly cannot be found fault with. They are an Association of Lawyers and Advocates practicing before the Kerala Administrative Tribunal (KAT) and seek that said Tribunal be directed to implement the 'Hybrid Mode' of hearing of cases, as stipulated by the Honourable Supreme Court from time to time.

2. Sri.Elvin Peter P.J. - learned counsel for the petitioners, vehemently argued that, with the advent of technology and in the light of the specific directions of the Honourable Supreme Court, electronic methods for disposal of matters cannot be shied away from being implemented for the 'KAT'; and that, for this purpose, respondents 2 and 3 have a definite role to play. He pointed out that, in fact, his clients have already preferred Exts.P6 and P7 representations before respondents 2 and 3 respectively; and sought that said Authorities be directed to act upon it, in consultation with the Honourable Chairman of the 'KAT', without any avoidable delay.

3. Pertinently, Sri.P.Gopal – learned counsel appearing for the 4th respondent – 'KAT', submitted that his client is also fully aware of the imperativeness of introducing 'Hybrid Mode' of case disposal in the said Tribunal, but that they cannot act on their own, except with the support and assistance of respondents 2 and 3 and such other stake holders of the Government of Kerala. He submitted that, therefore, he leaves to this Court to issue appropriate orders, particularly because, any action as required by the petitioners can be initiated and completed only with the full backing from the State of Kerala and its functionaries.

4. Sri.Sunil Kumar Kuriakose – learned Government Pleader, also affirmed that it is the intent of the Government of Kerala to ensure that all Courts, including the 'KAT', operating in the State are given full assistance and support for the purpose of adopting technology, as is now mandatorily required to be done by the Honourable Supreme Court. He submitted that, therefore, if this Court is so inclined respondents 2 and 3 or such other Competent Authority of the Government, are willing to consult the Honourable Chairman of the KAT and take a decision on the petitioners' plea, as impelled in Exts.P6 and P7, without any avoidable delay.

5. There can be no doubt, going by the afore rival positions – which, in fact, are not rival but virtually supplementing each other – that adoption of technology by Courts is not one as a matter of choice, but is now more an obligation, going by the requirements of time and the directions of the Honourable Supreme Court. However, as rightly submitted by Sri.P.Gopal, 'KAT' cannot take a decision on their own unilaterally, since the support for establishment of the systems and its running, will certainly have to be borne and offered by the Government of Kerala at the appropriate level.

6. Axiomatically, it is now for respondents 2 and 3 or such other Competent Authority of the Government of Kerala, to immediately consult the Honourable Chairman of the 'KAT' and take a decision on the request of the petitioners, as projected in Exts.P6 and P7. I am certain that this should be done without any avoidable delay.

In the afore circumstances, I allow this Writ Petition with the following directions:

I)(a) Respondents 2 and 3 or such other Competent Authority of the Government will immediately consult the Honourable Chairman of the KAT; and, based on the said

deliberations, take a decision on Exts.P6 and P7 representations of the petitioners, after affording the second among them an opportunity of being heard.

(b) The afore exercise shall be completed by the 1st respondent – State of Kerala, through the respondents 2 and 3 or such other Competent Authority, as expeditiously as is possible, but not later than one month from the date of receipt of a copy of this judgment.

II) On the afore consultation being completed and apposite decisions taken by the respondents on Exts.P6 and P7, Competent Authority of the 1st respondent – State of Kerala shall ensure that all necessary infrastructure and facilities for the 'KAT' to embrace the technology for its hearing and disposal of cases, shall be put in place as expeditiously as is possible, but within a time frame to be fixed by its Honourable Chairman.

**Sd/- DEVAN RAMACHANDRAN,
JUDGE**

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APPENDIX OF WP(C) 24568/2023

PETITIONER EXHIBITS

- EXHIBIT P1 A TRUE COPY OF THE CERTIFICATE OF
REGISTRATION ISSUE BY THE DISTRICT
REGISTRAR GENERAL, ERNAKULAM DATED
12.12.2018
- EXHIBIT P2 A TRUE COPY OF THE MEMORANDUM OF
ASSOCIATION OF THE KATEAA DATED
07.12.2018
- EXHIBIT P3 A TRUE COPY OF THE ORDER DATED
06.04.2020 IN SUO MOTU WRIT (CIVIL)
NO. 5 OF 2020 PASSED BY THE HONOURABLE
SUPREME COURT OF INDIA
- EXHIBIT P4 A TRUE COPY OF THE ORDER DATED
26.10.2020 IN I.A. NO. 48252/2020 IN
SUO MOTU WRIT (CIVIL) NO. 5 OF 2020
PASSED BY THE HONOURABLE SUPREME COURT
OF INDIA
- EXHIBIT P5 A TRUE COPY OF THE REPRESENTATION
DATED 18.11.2022 SUBMITTED BEFORE THE
HONOURABLE CHAIRMAN, KERALA
ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM
- EXHIBIT P6 A TRUE COPY OF THE REPRESENTATION
DATED 23.03.2023 SUBMITTED BEFORE THE
2ND RESPONDENT
- EXHIBIT P7 A TRUE COPY OF THE REPRESENTATION
DATED 23.03.2023 SUBMITTED BEFORE THE
3RD RESPONDENT

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

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