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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR. JUSTICE BASANT BALAJI

FRIDAY, THE 27TH DAY OF MARCH 2026 / 6TH CHAITHRA, 1948

WA NO. 2572 OF 2025

**AGAINST THE JUDGMENT DATED 23.01.2024 IN WP(C) NO.8542 OF
2015 OF HIGH COURT OF KERALA**

APPELLANTS/PETITIONERS:

- 1 P.SAHADDEVAN, AGED 74 YEARS,
S/O. LATE PAZHANIMALA, CHAMIYARKALAM,
ERUTHEMPATHY .P.O., KOZHINJAMPARA (VIA),
CHITTUR, PALAKKAD, PIN - 678555**
- 2 C.ARUCHAMI, S/O.CHAMUNNI, SURYAPARA,
ATHICODE P.O., KOZHINJAMPARA-678554**

BY ADV SRI.P.R.VENKATESH

RESPONDENTS/RESPONDENTS:

- 1 THE STATE OF KERALA, REPRESENTED BY ITS
PRINCIPAL SECRETARY TO GOVERNMENT INDUSTRIES
(F) DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM, PIN - 695001**
- 2 THE SECRETARY, PUBLIC SECTOR REVALUATION AND
INTERNAL AUDIT BOARD CMD BUILDINGS, 5TH FLOOR,
C.V.RAMANPILLAI ROAD, THYCAUD,
THIRUVANANTHAPURAM, PIN - 695014**
- *3 THE CO-OPERATIVE SUGARS LTD., REPRESENTED BY
ITS MANAGING DIRECTOR, CHITTUR NO.4322,
MENONPARA, PALAKKAD, PIN - 678556
NOW UNDER LIQUIDATION REPRESENTED BY THE
LIQUIDATOR, CO-OPEARTIVE SUGARS LTD.NO.4322
CHITTUR AND DEPUTY REGISTRAR, DISTRICT
INDUSTRIES CENTRE, PALAKKAD - 678 001.**



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**(ADDRESS OF R3 IS CORRECTED AS PER ORDER IN
I.A.NO.1/2026 DATED 27.03.2026).**

BY ADVS.

SMT.LATHA ANAND

SRI.S.VISHNU (ARIKKATTIL)

SRI. K. ANAND - SR.

SRI. SUNIL KUMAR KURIAKOSE - G.P

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
27.03.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

**JUDGMENT****CR**Devan Ramachandran, J.

The appellants concede that they were working as ‘seasonal workers’ in the services of the 3rd respondent – Co-operative Sugars Ltd.; further admitting that they were offered a Voluntary Retirement Scheme (VRS), under a program called Social Safety Net Program (SSNP), propounded by the Government of Kerala. Their grievance is that, in the SSNP and VRS under it, they have been treated to be on par only with ‘badalis’ by the Government; though, they had been recommended to be equated as regular employees by the 3rd respondent, as early as in the year 2005 through Exts.P2 and P3 letters.

2. The appellants assert that their manner of working, hours of employment and terms of engagement, are on par with regular employees, especially because, though they are called ‘seasonal workers’, they are expected to be available 24 hours as and when duty is generated; but that this was not considered by



the Government, while it formulated the SSNP program and VRS under it. They say that they, therefore, approached the Government for modification of the terms of VRS, but that it has been rejected through Ext.P7 order dated 15.01.2014; which constrained them to approach the learned Single Judge through the Writ Petition.

3. Sri.P.R.Venkatesh – learned counsel for the appellants, alleged that the learned Single Judge has not considered his clients' contentions in its proper perspective, but has merely approved the stand of the Government in Ext.P7; and consequently, that they have been left with no other option, but to file this Appeal.

4. Smt.Latha Anand – learned Standing Counsel for the 3rd respondent, conceded that Exts.P2 and P3 recommendations were made in the past; but pointed out that, it was so done in the year 2005 when the Company was also doing well financially. She explained that, subsequently, the Company had to face severe



financial crisis on account of various factors beyond their control and that it is, in fact, now facing liquidation. She added that, the claims of the appellants are untenable at this stage, not only for the afore reasons, but also because they have not challenged the SSNP or VRS, but have only chosen to seek a modification of the same before the Government, which has been denied. She concluded her submissions asserting that, in such circumstances, the factum of her client having made Exts.P2 and P3 recommendations would be totally irrelevant now because, the grant of VRS and such other benefits, are within the realm of the policy making competence of the Government, which, in normal circumstances, would not be amenable to judicial assessment.

5. Sri.Sunil Kumar Kuriakose – learned Government Pleader, adopted most of the submissions of Smt.Latha Anand; affirming that, unless the SSNP or VRS under it had been challenged, the appellants could not have even moved the Government seeking modification of its terms. He pointed out that,



even going by Ext.P7, what the appellants sought before the Government was a modification of the terms qua their VRS, but that this has been rejected taking note of all relevant and germane aspects, including the financial crisis of the 3rd respondent, as also that they were only ‘seasonal workers’ working during the ‘crushing seasons’ which is below six months a year. He contended that, in such circumstances, the modification of the SSNP, to treat the appellants on par with the regular employees, is untenable; and therefore, the learned Single Judge has committed no error.

6. We have examined the impugned judgment, adverting to all the above rival submissions and materials on record.

7. We are dealing with this issue not from the standpoint whether the 3rd respondent is facing financial crisis or otherwise because, the said consideration would be irrelevant, if the appellants are found to be eligible to the reliefs sought for.

8. The appellants seek that their terms under the VRS be



modified, treating them on par with regular employees. Such a claim is founded on facts and the answer would also depend upon the valuation of the same. Going by Ext.P7, the Government appears to have considered the claim of the appellants, to find that they are only ‘seasonal workers’, called to work during the ‘crushing seasons’, which is less than six months. The contra-assertion of the appellants is that, though they are ‘seasonal workers’, required only during the afore season, they are expected to be available 24 hours because, they do not know when sugar cane would arrive for them to commence duty.

9. It is thus luculent that even the appellants do not have a case that they are regular employees, but only seek a benefit with the latter category, on the assertion that they were expected to be available in service 24 hours a day. This assertion, however, has not been established, particularly when both the 3rd respondent and the Government take a contrary view.

10. Coming to Exts.P2 and P3, no doubt, in the year 2005,



the Managing Director of the 3rd respondent has recorded that the company has requested the Government to treat the appellants and others on par with the regular employees. However, there is nothing before us to show that these recommendations were accepted by the Government at any point of time; and the appellants also do not have a case that they had litigated for such benefit thereafter. Even without doing so, they now are seen to be imputing that the SSNP and the VRS under it are illegal and unlawful *qua* their entitlement. We are afraid that we cannot enter into the merits of the same since, as rightly found by the learned Single Judge, this is squarely within the policy making realm of the Government. When the Government has taken the decision based on all relevant facts to hold that the appellants cannot be equated with regular employees, there is hardly anything this Court can, while acting under Article 226 of the Constitution of India, intervene into, or do, going by the well-recognized constraints of jurisdiction.



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In the afore circumstances, this Appeal is dismissed.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

Sd/-

BASANT BALAJI

JUDGE

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APPENDIX OF WA NO. 2572 OF 2025

PETITIONER ANNEXURES

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| Annexure 1 | TRUE COPY OF THE DISCHARGE SUMMARY ISSUED
BY G. KUPPUSWAMY NAIDU MEMORIAL HOSPITAL,
COIMBATORE |
| Annexure 2 | True copy of medical certificates from
the year 2022 issue by Amrutha Hospital |