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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 12TH DAY OF JANUARY 2026 / 22ND POUSHA, 1947

WP(C) NO. 47025 OF 2025

PETITIONER:

JUSTICE (RETD) C.K. ABDUL REHIM,
AGED 67 YEARS,
S/O. ALI PILLAI,
(FORMER JUDGE, HIGH COURT OF KERALA &
FORMER CHAIRMAN,
KERALA ADMINISTRATIVE TRIBUNAL,
AL-HARMONY, T-SQUARE ROAD,
PACHALAM,
KOCHI, KERALA, PIN - 682012

BY ADVS.
SRI.D.KISHORE
SMT.MEERA GOPINATH
SRI.ANANT KISHORE

RESPONDENTS:

- 1 THE GOVERNMENT OF INDIA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF PERSONNEL & TRAINING,
(MINISTRY OF PERSONNEL, PUBLIC GRIEVANCE AND
PENSIONS), LOK NAYAK BHAVAN,
KHAN MARKET, NEW DELHI,
PIN - 110001
- 2 THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF PERSONNEL &
ADMINISTRATIVE REFORMS,
GOVERNMENT SECRETARIAT (ANNEX-I)
THIRUVANANTHAPURAM,
PIN - 695001



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3 THE KERALA ADMINISTRATIVE TRIBUNAL,
REPRESENTED BY ITS REGISTRAR,
VANCHIYOOR,
THIRUVANANTHAPURAM,
PIN - 695035

BY ADV.
SRI.G.SREEKUMAR (CHELUR)
SRI.BIJOY CHANDRAN, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 12.01.2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



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JUDGMENT

Dated this the 12th day of January, 2026

The petitioner, a former Judge of this Court as well as the former Chairman of the Kerala Administrative Tribunal seeks for a direction to the 1st respondent to consider and act on Ext.P4 representation for the purpose of re-inducting him to the post of Chairman of KAT, in view of the authoritative pronouncement of law declared by the Hon'ble Supreme Court in ***Madras Bar Association v. Union of India and another*** [(2021) 7 SCC 369] and ***Madras Bar Association v. Union of India and another*** [(2022) 12 SCC 455] as well as through the judgment in ***Madras Bar Association v. Union of India*** [2025 KHC On Line 6950].



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2. The petitioner assumed charge as the Chairman of Kerala Administrative Tribunal on 06.09.2021 and on completion of 4 years period, he demitted office with effect from 05.09.2025. As per paragraph 155 of the latest judgment of the Hon'ble Supreme Court in ***Madras Bar Association v. Union of India*** [2025 KHC On Line 6950], all appointments of members and the Chairpersons whose selection or recommendation by the Search-cum-Selection Committee was completed before commencement of the Tribunal Reforms Act, 2021, but whose formal appointment notifications were issued after the Act came in to force, shall be protected. Such appointments will continue to be governed by the parent statutes and by the conditions of service as laid down in ***Madras Bar Association v. Union of India and another*** [(2021) 7 SCC 369] and ***Madras Bar Association v. Union of India and another*** [(2022) 12 SCC 455].



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3. The petitioner's recommendation and selection were completed under the parent statute, the Administrative Tribunal Act, 1985. However, his formal appointment order was issued after the coming into force the Tribunal Reforms Act, 2021.

4. The Hon'ble Supreme Court in ***Madras Bar Association v. Union of India and another*** [(2021) 7 SCC 369] has directed the Government to amend the relevant rules by making the tenure of Chairman as 5 years or till they attain 70 years of age. The resultant conclusion is that the petitioner can hold the office of the Chairman of Kerala Administrative Tribunal for a period of 5 years from the date on which he entered office, which is 06.09.2021. Thus, the petitioner can continue till 05.09.2026. However, the petitioner demitted office with effect from 05.09.2025. By virtue of the judgment of the Hon'ble Supreme Court dated 19.11.2025, the petitioner is



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entitled to be re-inducted as the Chairman of the Kerala Administrative Tribunal forthwith. The office of the Chairman is lying vacant. Even though selection proceedings have been commenced under the Tribunal Reforms Act, 2021 it could not be proceeded in view of the judgment of the Hon'ble Supreme Court dated 19.11.2025.

5. Ext.P4 representation submitted by the petitioner before the 1st respondent is pending consideration. Only an administrative order needs to be issued by the 1st respondent on the basis of the law declared by the Hon'ble Supreme Court, contends the petitioner. The writ petition is filed seeking to declare that the petitioner is entitled to continue as Chairman of the Kerala Administrative Tribunal for a period of five years from his date of assumption of charge, which was on 06.09.2021 and is entitled to enjoy all the service conditions and benefits as provided under the Administrative Tribunals



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Act, 1985 and the Rules made thereunder and as laid down by the Hon'ble Supreme Court through the ***Madras Bar Association v. Union of India and another*** [(2021) 7 SCC 369] and ***Madras Bar Association v. Union of India and another*** [(2022) 12 SCC 455], as well as through the judgment in ***Madras Bar Association v. Union of India*** [2025 KHC On Line 6950] and to direct the 1st respondent to consider Ext.P4 representation and to permit the petitioner to be re-inducted to the post of the Chairman of the Kerala Administrative Tribunal, forthwith.

6. I have heard the learned counsel for the petitioner, the learned Senior Panel Counsel representing Government of India and the learned Government Pleader representing the 2nd respondent.

7. The petitioner would submit that the 1st respondent is legally bound to re-induct the petitioner to the



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post of the Chairman of the 3rd respondent-Tribunal in accordance with the findings and the positive directions issued by the Hon'ble Apex Court in the ***Madras Bar Association v. Union of India and another*** [(2021) 7 SCC 369] and ***Madras Bar Association v. Union of India and another*** [(2022) 12 SCC 455] as well as the judgment in ***Madras Bar Association v. Union of India*** [2025 KHC Online 6950].

8. Senior Panel Counsel representing the 2nd respondent submits that similar representations have been received from various quarters and the matter has to be decided by the Department of Personnel and Training, Government of India in concurrence with the Ministry of Revenue and also in consultation with Department of Law.

9. In view of the fact that the petitioner has preferred Ext.P4 representation, taking into consideration the fact that the issue involved will have an impact on the justice



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delivery system under the Tribunals, I am of the view that the Government has to take a decision in the matter expeditiously.

In the circumstances of the case, the writ petition is disposed of directing the 1st respondent to take appropriate decision on Ext.P4 representation submitted by the petitioner as expeditiously as possible and at any rate within a period of one month. The contentions and legal issues involved are left open.

Sd/-

**N. NAGARESH
JUDGE**

SR



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APPENDIX OF WP(C) NO. 47025 OF 2025

PETITIONER'S EXHIBITS:

Exhibit P1	TRUE COPY OF THE PROCEEDINGS NO AR12-2/41/2020/P&ARD DATED 29.05.2020 OF THE 2ND RESPONDENT ADDRESSED TO THE REGISTRAR GENERAL, KERALA HIGH COURT
Exhibit P2	TRUE COPY OF THE PROCEEDINGS NO.AR 12-2/41/2020/P&ARD DATED 27.7,2020 ISSUED BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT
Exhibit P3	TRUE COPY OF THE ORDER OF APPOINTMENT ISSUED BY THE 1ST RESPONDENT DATED 27.08.2021
Exhibit P4	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT DATED 24.11.2025
Exhibit P5	TRUE COPY OF THE PROCEEDINGS NO.344/2021/KAT/ADMN DATED 29.11,2025 ISSUED BY THE REGISTRAR, KERALA ADMINISTRATIVE TRIBUNAL TO THE 1ST RESPONDENT.