

**THE KERALA AUTOMOBILES LIMITED (VALIDATION OF APPOINTMENT OF  
PERSONNEL) ACT, 2004  
(Act 3 of 2004)**

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[Translation in English of the “ 2004-ലെ കേരള ഓട്ടോമൊബൈൽസ് ലിമിറ്റഡ് (ജീവനക്കാരുടെ നിയമനം സാധൂകരിക്കൽ) ആക്ട് ” published under the authority of the Governor]

### ACT 3 OF 2004

#### THE KERALA AUTOMOBILES LIMITED (VALIDATION OF APPOINTMENT OF PERSONNEL) ACT, 2004 \*

*An Act to validate the appointment of personnel made in the Kerala Automobiles Limited in the vacancies which arose during the period from the 1st day of July, 1978 to 28th day of March, 1984.*

*Preamble.*—WHEREAS the Kerala Automobiles Limited (KAL) has been registered as a company with Certificate of Incorporation No. 2966/1978 under the Companies Act, 1956 and is fully owned by the Government of Kerala;

AND WHEREAS the Governor may from time to time issue such directives in regard to the conduct of the business and affairs of the company in pursuance of Article 122 of the Articles of Association of the Company;

AND WHEREAS the Government had issued guidelines in letter No. 20094/G3/78/ID dated the 1st July, 1978 and letter No.15439/G3/79/ID dated the 5th July, 1979 regarding the general principles to be followed by the said company in the matter of recruitment of personnel and in letter No. 37981/G3/83/ID dated the 7th September, 1983 had directed the company to ensure the principle of communal rotation in the recruitment of personnel;

AND WHEREAS the High Court in its Judgment in O.P. No. 9107/1983 had quashed the notification inviting application for recruitment of personnel published by the said company on the basis of the letter dated the 7th September, 1983, and made it clear that if the Government was interested in superseding or modifying the guidelines issued in 1978 and 1979, thereby taking away or curtailing the rights of certain ex-employees who had a preference to recruitment in the said company, it would be open to the Government to do so in accordance with law;

AND WHEREAS the Government had issued revised guidelines in G.O. (Ms.) No. 89/84/ID dated the 28th March, 1984 protecting the appointments made during the period from the 7th September, 1983 to 24th January, 1984 and specified that future appointments in the company shall be made after observing communal rotation and reservation as is available under the State Service;

AND WHEREAS it is expedient to validate the appointments of personnel made in the Kerala Automobiles Limited in the vacancies which arose during the period from 1st July, 1978 to 28th March, 1984;

BE it enacted in the Fifty-fifth year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Automobiles Limited (Validation of Appointment of Personnel) Act, 2004.

(2) It shall be deemed to have come into force on the 15th day of September, 2003.

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\*Received the assent of the Governor on the 25<sup>th</sup> day of February, 2004 and published in the Kerala Gazette Extraordinary No.512 dated 26<sup>th</sup> February, 2004.

2. *Validation.*—Notwithstanding anything contained in the guidelines issued by the Government to the Kerala Automobiles Limited in letter No. 20094/G3/78/ID dated the 1st July, 1978 and letter No. 15439/G3/79/ID dated the 5th July, 1979 under Article 122 of the Articles of Association of the company or in any other Government directive or in any judgment, decree or order of any court, all acts done in the matter of appointment of personnel made in the Kerala Automobiles Limited in the vacancies which arose during the period from the 1st day of July, 1978 to the 28th day of March, 1984 shall be deemed to have been validly done and the validity of such acts in the matter of appointment of personnel made in the vacancies arose during the said period shall not be called in question in any court of law on the ground that they have not been done in pursuance of the guidelines issued by the Government in this behalf.

3. *Repeal and Saving.*—(1) The Kerala Automobiles Limited (Validation of Appointment of Personnel) Ordinance, 2003 (5 of 2003) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

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