

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

OP(KAT).No. 4 of 2015 (Z)

OA 2093/2012 of KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

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PETITIONER(S):

**T.G.VENU,
ASSISTANT MOTOR VEHICLE INSPECTOR, SUB R.T OFFICE
VAIKOM, KOTTAYAM, KERALA-686141.**

**BY ADVS.SRI.P.M.MANOJ
SRI.S.RUSSEL
SRI.V.R.ARUN**

RESPONDENT(S):

- 1. THE SECRETARY TO GOVERNMENT,
TRANSPORT (C) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 2. THE TRANSPORT COMMISSIONER,
TRANSPORT COMMISSIONERATE, TRANS TOWER
VAZHUTHAKKAD P.O, THIRUVANANTHAPURAM-695003.**

BY SR. GOVERNMENT PLEADER SRI. VIJU ABRAHAM

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(KAT).No. 4 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE ORDER DATED 08-10-2014 IN O.A NO. 2093/2012 OF THE
KERALA ADMINISTRATIVE TRIBUNAL AT THIRUVANANTHAPURAM**
EXHIBIT P2: TRUE COPY OF THE ORIGINAL APPLICATION ALONG WITH ANNEXURES
**EXHIBIT P3: TRUE COPY OF THE REPLY STATEMENT FILED ON BEHALF OF THE IST
RESPONDENT**
EXHIBIT P4: TRUE COPY OF THE REJOINDER FILED BY THE APPLICANT TO EXHIBIT P3

RESPONDENT(S)' EXHIBITS : NIL

OKB

//TRUE COPY//

P.A. TO JUDGE

THOTTATHIL B. RADHAKRISHNAN & K.HARILAL, JJ.

O.P. (KAT) No.4 of 2015

Dated this the 15th day of January, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

The petitioner is an Assistant Motor Vehicles Inspector. He challenged the disciplinary proceedings, which led to barring of one increment with cumulative effect. He challenged the decision of the Government passed on a review petition. Tribunal went into facts and held that one among the charges is not true and, therefore, required the Government to re-consider the review petition.

2. On hearing the learned counsel for the petitioner and the learned Senior Government Pleader, on instructions, we see that, it would have been appropriate for the Tribunal to leave it to the Government to decide on all issues afresh in view of the audit that has been made. We say this because, the differentials regarding the amount and other factual issues ought to have also been left open for an independent fresh look by the Government. The question of delay in completing the disciplinary proceedings is also

a matter which the petitioner could urge before the Government. Under such circumstances, to secure the ends of justice, we deem it appropriate to vacate the findings and directions of the Tribunal and to direct the Government to reconsider the review petition afresh on all issues. It is so directed. To pave way for this, the decision of the Government on the review petition, as challenged before the Tribunal, is hereby quashed. The Government are directed to expedite the reconsideration of the review petition after notice to the petitioner herein, in the light of what is stated herein.

Original petition is ordered accordingly.

Sd/-

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Sd/-

K.HARILAL, JUDGE

okb.