

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

OP(KAT) .No. 75 of 2015 (Z)

AGAINST THE ORDER IN M.A.NO.3248/2013 IN OA 2753/2013 of
KERALA ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM DATED
27-05-2014.

PETITIONER(S)/APPLICANT IN OA:

JESSY VARGHESE, AGED 47 YEARS,
W/O.JOSEPH VARGHESE. J, PHARMACIST GRADE I,
LEPROSY HOSPITAL, KORATTY.

BY ADV. SRI.P.V.MOHANAN

RESPONDENT(S)/RESPONDENTS IN OA:

1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF HEALTH & FAMILY WELFARE,
THIRUVANANTHAPURAM - 695 001.

2. DIRECTOR OF HEALTH AND FAMILY WELFARE,
THIRUVANANTHAPURAM - 695 001.

3. DISTRICT MEDICAL OFFICER,
DISTRICT MEDICAL OFFICER FOR HEALTH,
THRISSUR - 680008.

BY SENIOR GOVERNMENT PLEADERSRI. S. JAMAL

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING
COME UP FOR ADMISSION ON 17-03-2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

OP(KAT) .No. 75 of 2015 (Z)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P-1: TRUE COPY OF THE ORDER IN MA NO.3248/13 IN OA
NO.2753/2013 DATED 27.5.2014.

EXT.P-2: TRUE COPY OF THE OA NO.2753/2013 DATED
2.11.2013.

EXT.P-3: TRUE COPY OF THE MA NO.3248/2013 DATED
17.12.2013.

EXT.P-4: TRUE COPY OF THE OBJECTION FILED BY THE DIRECTOR
OF HEALTH AND FAMILY WELFARE DATED 24.2.2014.

RESPONDENT(S) ' EXHIBITS

NIL

//true copy//

P.S. to Judge

**THOTTATHIL B. RADHAKRISHNAN &
K. HARILAL, JJ.**

O.P. (KAT) No.75 of 2015-Z

Dated this the 17th day of March, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

We heard the learned counsel for the petitioner quite in extenso.

2. The petitioner faced disciplinary proceedings on a ground referable to the manner in which she left for foreign service without appropriate sanction orders under Appendix XXII A of the K.S.R. Leave was thereafter sanctioned. But, ultimately, on counts of indiscipline, the petitioner was handed down a penalty of barring two increments with cumulative effect. The learned Tribunal, under the Administrative Tribunals Act, cohesively considered all relevant facts and materials and concluded that there is no merit in the case of the petitioner warranting interference

with penalty order. We see no ground to interfere at this end either. The learned counsel for the petitioner, however, made a very persuasive request that something that is pending as a mercy petition, in the form of an appeal against penalty, may be directed to be considered. For one thing, with passage of time, such application is stale. More importantly, no such decision can overturn the judicial verdict handed down by the Tribunal. Under such circumstances, we do not find any ground to accede to that request either.

In the result, this original petition is dismissed.

Sd/-

(THOTTATHIL B. RADHAKRISHNAN, JUDGE)

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge