

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WA.No. 527 of 2015 () IN WP(C).4410/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 4410/2015 of HIGH COURT OF KERALA
DATED 20-02-2015

APPELLANT(S)/RESPONDENTS IN WPC:

1. TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARYOFFICE OF THE
TRAVANCORE DEVASWOM BOARD
NANTHANCODE, THIRUVANANTHAPURAM-695001

2. THE DEVASWOM COMMISSIONER,
OFFICE OF THE TRAVANCORE DEVASWOM BOARD, NANTHANCODE
THIRUVANANTHAPURAM-695001

3. SRI.V.S.JAYAKUMAR,
EXECUTIVE OFFICER, SABARIMALA
TRAVANCORE DEVASWOM BOARD, PAMPA P O
PATHANAMTHITTA-689645

BY ADV. SRI.A.N.RAJAN BABU, SC, TRAVANCORE DEVAS

RESPONDENT(S)/PETITIONERS IN WPC:

1. B.SANTHOSH KUMAR
ASSISTANT DEVASWOM COMMISSIONER
ASSISTANT DEVAWOM COMMISSIONER OFFICE, PARAVOOR

2. RAJASEKHARAN UNNITHAN G
ASSISTANT ENGINEER(NON CADRE), CHIEF ENGINEER OFFICE
TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM

3. G G MADHU
JUNIOR SUPERINTENDENT
ASSISTANT DEVASWOM COMMISSIONER OFFICE
ETTUMANOOR GROUP

4. P.P.VIJAYAKUMAR,
SUB GROUP OFFICER, THIDANADU SUB GROUP
MUNDAKKAYAM GROUP

5. S.NARAYANAN PILLAI,
SPECIAL GRADE TYPIST, ASSISTANT AUDIT OFFICE
KOTTARAKKARA

WA.No. 527 of 2015

6. HARIKUMAR V
ADMINISTRATIVE OFFICER
O T C HANUMAN DEVASWOM ULLOOR GROUP

ADDL. 7. R.ASHOK, S/O.RAGHAVAN NAIR, NOW RESIDING AT
AJITH BHAVAN, KANAKKARI P.O., ETTUMANOOR,
KOTTAYAM-686 632 (SECRETARY, SREE MAHADEVA
SAMSKARIKA SAMITHI, ETTUMANOOR).

RADDL. R7 BY ADV. SRI.S.SUBHASH CHAND
R1 TO R6 R BY SRI.P.RAVINDRAN (SR.)
ADV.SRI.SREEDHAR RAVINDRAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, Ag.CJ & A.M.SHAFFIQUE, J

W.A.No.527 of 2015

Dated this the 10th March, 2015

JUDGMENT

Ashok Bhushan, Ag, CJ.

Heard learned counsel for the appellants Sri.A.N.Rajan Babu, Sri.P.Ravindran, learned Senior Counsel appearing for the respondents and Sri.S.Subash Chand, learned counsel appearing for the additional 7th respondent.

2. This appeal has been filed against the judgment dated 20.2.2015 in W.P(C).No.4410 of 2015. The Writ Petition was filed by the petitioners, who are respondents 1 to 6 in this Writ Appeal, challenging the order of their suspension. The writ petitioners are working in different temples under the Travancore Devaswom Board. They were assigned duties of supervision of counting money received from the Hundi at Sabarimala from 30.12.2014 to 15.1.2015. The security personnel detected that certain

counting agents have been removing the amount received from Hundi. It was found that the amounts running in several lakhs were being taken out by the counting agents. The Devaswom Board, after detection of the said event, placed the petitioners under suspension and charge memo has also been issued to the petitioners. The petitioners challenged the said order before the learned Single Judge. The allegation against the petitioners was to the effect that while they were working as Supervising Officers of Sabarimala dump/charity box and during their supervision, an amount of ₹16,65,725/- was taken out by the counting agents, which could not be detected by the writ petitioners.

3. The learned Single Judge, after considering the submission of the petitioners as well as learned counsel for the Board, took note of the fact that there were 20 CCTV Cameras installed inside the Bhandaram and the Police officials were regularly watching the movements of all kanikka counting staff in the Bhandaram. It was noted

that the petitioners were working in different temples and after the closure of the duty in Sabarimala, they had to go back to the respective temples. Proceedings have already been initiated and the learned Single Judge took the view that further continuance of suspension of the petitioners was not justified. The learned Single Judge, however, gave liberty to the Board to pass appropriate orders, if the Board is able to collect materials or evidence against the petitioners regarding their complicity in the embezzlement, if any.

4. Learned counsel for the appellants submits that looking into the fact that large number of devotees with faith had given donations to the temple and removal of such donations under the supervision of the petitioners is of serious nature which has to be seriously viewed by the Board and unless the Board takes appropriate measure including the suspension of the petitioners, it shall be presumed that the Board is condoning such action of the petitioners.

5. Learned counsel for the additional respondent rendered the same submission and submitted that the suspension was fully justifiable.

6. Sri.P.Ravindran contended that the writ petitioners in their respective temples, where they were working, were not at any time assigned the duty of counting of cash and they were working in different capacity including Engineer, Typist etc. It is submitted that they were taken for special duty for the relevant period and despite their vigilant supervision, removal of money could not be found out. He has referred to paragraph 6 of the memorandum of appeal, where the modus operandi of the counting agents has been mentioned, which could be continued by security staff later. He submitted that had the petitioners been continuing in Sabarimala duties, the continued suspension would have been justifiable, but, since they have to return to their respective temples and perform duties therein, continuation of suspension is unjustified.

7. We have considered the submissions made by the

parties and perused the records. In so far as the passing of suspension initiated against the petitioners is concerned, we do not find any fault. The petitioners, who were under supervising duty, after detection of removal of money, have rightly been proceeded with disciplinary enquiry. But the fact that since the special duty during the period from 30.12.2014 to 15.1.2015 is over and the petitioners have to report to their respective temples, the continued suspension is unjustified and the learned Single Judge did not commit any error in taking the view that continuance of suspension is unjustified. The learned Single Judge has granted liberty to the Devaswom Board to proceed against the petitioners, if any material is collected showing the petitioners' complicity with the removal of money. We do not find any error in the judgment of the learned Single Judge, which may not warrant interference by this Court.

8. We, thus, confirm the judgment of the learned

Single Judge and dismiss the Writ Appeal.

9. In view of the allegations based on which proceedings have been initiated, we are of the view that the proceedings shall be completed as early as possible. We further observe that till the proceedings are completed, the writ petitioners shall not be entrusted to the duties of cash counting in their respective temples.

**ASHOK BHUSHAN
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs10/3/15